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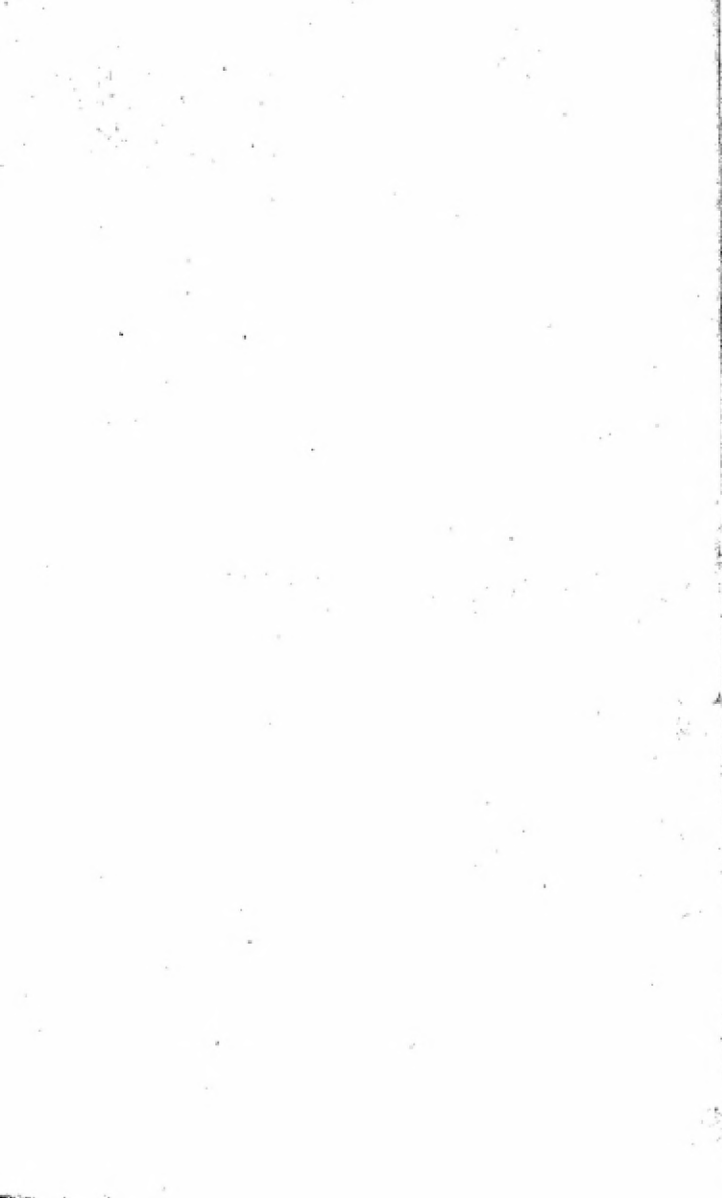
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HISTORY AND ADMINISTRATION  
OF THE NORTH-WESTERN PROVINCES  
( Subsequently called the Agra Province )



A Thesis approved for the Degree of Doctor of  
Philosophy by the Agra University,  
1955

History and Administration  
OF THE  
North-Western Provinces  
( Subsequently called the Agra Province )  
1803-1858



By  
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MADHAVA COLLEGE, UJJAIN.

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With a Foreword by  
SIR JADUNATH SARKAR  
KT., C.I.E., M.R.A.S., D.LITT., ETC.

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Oriental & Foreign Book Sellers,  
Nai Sarak, DELHI.

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FIRST EDITION : 1957..

Price : Rs. 15/-

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SHIVA LAL AGARWALA & CO. PRIVATE LTD., HOSPITAL ROAD, AGRA,  
AND PRINTED BY JINENDRA KUMAR JAIN, JANTA PRESS, AGRA.

## FOREWORD

The historical theses written by our University men working for the doctorate have been almost exclusively studies of individual kings, dynasties, or wars,—and mere summaries of foreign travellers' observations of our society and manners (usually in the dim past). The former category have often turned out to be mechanical and monotonous, the latter mostly thin and superficial.

Dr. Dharma Bhanu in his *Province of Agra 1803-58* (North-Western Provinces) has broken new ground altogether and presented us with a finished study which will remain a permanent book of reference and, I am sure, will inspire other scholars to follow his track. This book is an uncommonly competent and valuable piece of work. It traces in full and accurate detail, with citation of the best sources, how the North-Western Provinces of our school geography book was born and grew up,—how its limbs were joined together one by one, till it became (though forty years after the end of this volume) the largest and most powerful of India's provinces, to justify its fame as the Madhyadesh of Sanskrit literature,—how its administration was developed from very rude beginnings (in some branches, even from the scratch),—how law and order were enforced over such a vast area, (most troublesome because of its enormous area, extreme density

of population, and the virile physique and dacoit-mentality of its rural masses,—unequalled in these respects by any other province of India). The intelligence of certain classes of its people has enabled them to take the highest place in India's development and to make the British policy of modernisation a success.

The very disputes in the highest official circles (summarised by Dr. Dharma Bhanu) on proposed untried remedies, the reports of the "men on the spot", i. e., the local officers on the actual working of such new measures, their modification in the light of experience,—all these make this book a study of absorbing interest and a manual of abiding instruction to students of administration as a vital branch of political science. The way in which our old British rulers responded to the challenges of the times, one after another,—patiently but authoritatively illustrated here—is the best monument to their wisdom and courage.

Calcutta 29.

21st November, 1956.

Jadunath Sarkar

## PREFACE

This book is the first attempt at writing a critical history of British rule in the Agra Province from 1803 to 1858. It is, thus, a history of the modern Uttar Pradesh *minus* the independent principality of Awadh during the above period.

Whereas there are a number of scholarly works on the history and administration of the Presidencies of Bombay, Calcutta and Madras, no serious attempt had so far been made at presenting a scientific account of the history and administration of the Presidency of Agra, which, within three years of its birth, was given the name of the North-Western Provinces. The reason probably is that the areas covered by the Agra Province were so diverse and far-flung that they did not constitute a homogeneous unit in the sense in which the first three Presidencies did. An attempt has been made in this work to construct the history and describe the administration of the province on the basis mainly of the unpublished manuscript records preserved in the National Archives of India New Delhi, and the Central Record Office of the Government of Uttar Pradesh at Allahabad, and the printed Parliamentary Papers of Great Britain. All available published material in the various first-rate libraries in the country has been consulted with a view to making the work as broad-based as possible.

The work was submitted to and approved by the Agra University as a Thesis for the Degree of Doctor of Philosophy (1955). It was prepared under the supervision of my father, Dr. Ashirbadi Lal Srivastava, Ph. D., D. Lit. ( Lucknow ), D. Litt. ( Agra ), Agra College, Agra, of whom it is not for me to speak. I am deeply indebted to Sir Jadunath Sackar, the greatest living historian of our country, for kindly placing his valuable library at my disposal and giving me his scholarly suggestions whenever I stood in need of them. I am further grateful to him for going through the book and contributing a Foreword. My thanks are also due to the Director of the National Archives, the Keeper of the Records of the Government of Uttar Pradesh, and to the authorities of the National Library Calcutta, the Parliament Library New Delhi, the Allahabad Public Library Allahabad, and the Agra College Library and the Agra University Library Agra, for the facilities accorded to me.

Ujjain,

*November 25, 1956.*

Dharma Bhanu

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To  
*My Mother*



## CHAPTER I

### HISTORICAL BACKGROUND

Nothing definite is known about the origin and the early history of Agra, which was destined to become the first city in the country during the first decade of the sixteenth century and to enjoy that position, with one or two temporary breaks, till June 1658 when Emperor Aurangzeb shifted his court to Delhi after internment his aged father Shah Jahan in a corner of Akbar's celebrated Agra Fort and earning for himself undying unpopularity with the people of the locality. Certain it is that Agra is a place of great antiquity and existed long before Sikandar Lodi (1489-1517) shifted his capital to that place in 1504.<sup>1</sup> Tradition connects it with the name of Kans, the maternal uncle of Sri Krishna, in whose days the territory on which Agra stands today, formed part of the Kingdom of Mathura. Raja Kans is said to have built a spacious prison-house at Agra for State prisoners.<sup>2</sup> It is said that in the age of the Mahabharata an old fort,<sup>3</sup> stood

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<sup>1</sup>Abdulla: *Tarikh-i-Daudi* vide Elliot and Dowson's *History of India as told by its own Historians*, Vol. IV, p. 465.

<sup>2</sup>*Ibid.*, p. 450.

<sup>3</sup>Some people call it Badalgarh.

A.C.L. Carleyle in the *Archæological Survey of India Report for 1871-72*, Vol. IV, p. 98 writes : "Apparently the Badalgarh must originally have been founded by the Hindus, but was appropriated by, added to and strengthened by the Lodi sovereigns".

General A. Cunningham added : "The name of Badalgarh is almost certainly a Hindu one". *Ibid.* p. 98a.

on the site or very near the site of Akbar's fort.<sup>4</sup> When that emperor started its construction, the old fort was destroyed by his orders. Jahangir in his autobiography testified to the existence of an old fort near Akbar's and tells us that it was pulled down by the orders of the emperor.<sup>5</sup> Another important pre-Mughal fort in the vicinity was the Kasaundhi Garhi, eight or nine miles south-east of Tundla. The Garhi seems to have been a very strong piece of architecture.<sup>6</sup>

We get the first authentic notice of Agra in the last quarter of the eleventh century A. D. when it was invaded by an army of Sultan Ibrahim Ghaznavi (1014-1099 A. D.). This invasion seems to have taken place about 1080.<sup>7</sup> Masud Salman, a Ghaznavide poet of the twelfth century, puts the following words in the mouth of the invader in praise of the-then fort of Agra :

"The fort of Agra is built amidst the sand like a hill, and the battlements of it are like hillocks. . . . No calamity had ever befallen its fortifications. . . ."<sup>8</sup> The

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<sup>4</sup>Ibid.

<sup>5</sup>Jahangir : *Tuzuk-i-Jahangiri*, Rogers and Beveridge edition, Vol. I, p. 3. See also Cunningham's preface to *The Archaeological Survey of India Report*, Vol. IV, p. XIV.

<sup>6</sup>Carlisle : *Archæological Survey Report*, op. cit., Vol. IV, pp. 208-210.

<sup>7</sup>H.S. Hodivala says that it was probably Agrowah, which seems unlikely, for the name mentioned by him never played a role of importance in our history. Hodivala : *Studies in Indo-Muslim History*, p. 496.

<sup>8</sup>*Diwan-i-Salman*, extract in Elliot and Dowson, Vol. IV, pp. 522-524. Also Jahangir : *Tuzuk*, translated by Beveridge, Vol. I, p. 4.

invasion suggests that Agra must have been an important and flourishing place in the twelfth century. Bad days, however, were in store for it and the place gradually sank to the position of a mere town in the sarkar (district) of Bayana, about fifty miles south-east of it,<sup>9</sup> and at present in the Bharatpur division of Rajasthan.

Fired by the ambition of conquering Dholpur, Gwalior and Malwa, Sultan Sikandar Lodi (1489-1517) realized the necessity of establishing his military headquarters at a strategic place in the neighbourhood of Gwalior and Malwa to facilitate operations against those regions. His choice fell on the strategic place of Agra where he is said to have built a strong citadel in 1504. Niamatullah, the author of the *Makhzan-i-Afaghani* or the *Tarikh Khan-i-Jahan Lodi*, writes that Sikandar Lodi appointed "judicious and intelligent commissions" who inspected and surveyed both sides of the Yamuna from Delhi to Etawa and finally fixed the left bank, or the other side of the Yamuna, as the site for the proposed city.<sup>10</sup> He gives the following account of the foundation of the Lodi capital:

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Jahangir wrongly attributed the invasion to Mahmud of Ghazni (997—1030), and has been copied by many later writers on the subject. The mistake is committed also by Abdulla in his *Tarikh-i-Daudi* (E & D. IV, 450), and this confused all subsequent historians. Latif and Mehdi Husain commit the same mistake. (Mahdi Husain: 'Agra Before the Mughals' in *Journal of the U. P. Historical Society*, December 1942, Vol. XV, Part II, pp. 80—87.)

<sup>9</sup>Imperial Gazetteer, Vol. II, p. 418.

<sup>10</sup>*Makhzan-i-Afaghani* vide Elliot and Dowson, Vol. V, pp. 98—99.

"His Majesty (Sikandar Lodi) resolved on founding a town on the banks of the Jamuna which should be utilized as the head-quarters of the army and government and serve as a point from where an effectual check could be exercised on the rebels. With this view, in 1504, the Sultan deputed some intelligent and experienced officers to explore the banks of the river and to report on the best locality which could be used for the purpose. The party left Delhi by boats, and as they proceeded along the banks, they examined them carefully and they arrived at the place where the city now (Niamatullah's time) stands. Having approved the site, they informed the Sultan of their choice. The Sultan marched in person to inspect it. As he approached the site, he observed two spots on an eminence which appeared suitable for a building and asked Mehtar Mulla Khan Nayak, who commanded the royal barge, which of the two mounds would suit best. He replied, that which is Age Rah, i. e., the one which is in advance on the way. The Sultan smiled and said, then let the name of the town be also Age Rah (or Agra). . . . At an auspicious hour orders were issued for founding a city . . . which became the seat of the government."<sup>11</sup> Abdulla, the author of the *Tarikh-i-Daudi* adds that Agra was a small village when Sikandar Lodi selected it for his new capital. "Portions of mauza Pashi and mauza Poya, pargana Duli, sarkar Bayana, were occupied"<sup>12</sup> for the purpose of

<sup>11</sup>Makhzan-i-Afaghani vide Elliot and Dowson, Vol. V, p. 99.

<sup>12</sup>Makhzan, vide Elliot and Dowson, Vol. V, p. 99.

founding the town. Sikandar's fort lay on the left bank of the Yamuna. The story given by the Makhzan cannot be taken as literally correct, for besides the authentic reference of the contemporary poet Masud Salman already referred to, Niamatullah himself refers twice to the existence of Agra while describing the events of 1491 A. D. (897 A. H.) and further says that Safdar Khan was nominated Governor of Agra after 1491 A. D.<sup>13</sup>

Agra on the left or the eastern bank of the Yamuna grew up into a large and flourishing town with royal palaces, stately buildings for the nobles, courtiers, officials and merchant princes. Scholars and artists, too, flocked to the new capital. Being fond of the company of theologians, Sikandar attracted men of Islamic learning from Arabia, Persia and Turkistan. The city became, in due course of time, one of the most important centres of Islamic learning in India. The capital suffered from a severe earthquake on July 7, 1505, which resulted in a tremendous loss to life and property<sup>14</sup>. The same year the Bhadauria Rajputs rebelled in

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<sup>13</sup>Niamatullah : *Makhzan-i-Afaghani* vide Elliot & Dowson, Vol. V, on page 92 refers to the rebellion of Sultan Ashraf at Bayana who "was invited by Haibat Khan Jalwani, one of his vassals, in Agra. . . ." and again, on page 93 Niamatullah informs us that "when the news of these occurrences arrived, he (Sultan) left some of his chiefs to lay siege to Agra and drew his army back to Bayana".

Later on the author refers to the appointment of Khawas Khan as Governor of Bayana, "and after some days Safdar Khan was nominated Governor of Agra" (p. 97).

<sup>14</sup>Elliot and Dowson, Vol. V, p. 99. Latif gives the date as July 5, 1505.



Hatkant in tahsil Panahat of the Agra district, but were suppressed.<sup>15</sup> The Sultan founded the village of Sikandra in the northern suburbs of his capital and built there a baradari of red sand-stone in 1495, which stands to this day. The Bhoya bazar, named after his prime minister, Miyan Bhua, on the site on which the B.B.&C.I. (now Western) section of the Fort Railway Station was subsequently built, and Shikarpur now in pargana Khandauli, are two other relics associated with the name of Sikandar Lodi.<sup>16</sup>

The fate of Agra as the capital of the Sultanate of Delhi and as the premier city of India hung temporarily in the balance when Ibrahim Lodi was defeated and killed by Babur on the field of Panipat in April, 1526. But with the unerring instinct of a strategist, the Mughal conqueror chose that city to be the capital of the new Mughal Empire.<sup>17</sup> He established his court at Agra, and for the residence and comfort of himself and his family he laid out a beautiful garden called Charbagh (Gulafshan in Turki), and inside its enclosure erected several stone buildings and baths, surrounded by water-courses, the remnants of which can be seen in the Rambagh on the other (eastern) side of the Yamuna.<sup>18</sup> Agra retained its position as the

<sup>15</sup>Elliot and Dowson, Vol. V, p. 102.

<sup>16</sup>Carlisle: Archaeological Survey Report, Vol. IV, p. 98.

<sup>17</sup>Jahangir: Tuzuk-i-Jahangiri, Beveridge edn. Vol. I, pp. 4—5 Niamatullah: Makhzan-i-Afaghani says "Agra, formerly, a dependency of Biana, was fixed upon as the residence of the sovereigns."

<sup>18</sup>Jahangir: Tuzuk, Vol. I, p. 4. Latif: Agra, Historical and Descriptive, p. 11.

metropolis<sup>19</sup> throughout Humayun's reign (1530-1540) and after him in that of Sher Shah who built some mosques in the city.

It was, however, reserved for Akbar (1556-1605) to enjoy the credit, later shared by his grandson, Shah Jahan, of making Agra immortal in the history of the world. He built on the right bank of the Yamuna, on the site of the old Badalgarh,<sup>20</sup> the red sand-stone fort which stands like a giant even today and converted the city into a truly great centre of political, cultural and economic importance, connecting it with the various parts of his vast empire. Before his eyes were closed in death, Agra had become, thanks to his tireless activity, probably one of the biggest city in the east.<sup>21</sup> The English traveller Ralph Fitch who visited Agra in September 1585 in the life-time of Akbar, writes about the town: "Agra is a very great city, and populous, built with stone, having fair and large streets with a fair river running by it....Agra and Fatehpur Sikri", he continues, "are two very great cities, either of them much greater than London, and very populous. Between Agra and Fatehpur are twelve miles (kos in reality) and all the way is a market of victuals and other things as full as though a man were still in a town, and so many people as if a

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<sup>19</sup>Carlleyle : *Archæological Survey of India Report*, Vol. IV, p. 111.

<sup>20</sup>Jahangir : *Tuzuk*, I, P. 3. Herbert Thomas who came to India in Jahangir's reign notes that Akbar pulled down an old fort and built his red sandstone fort on the site of the old one. Latif : *Agra, Historical and Descriptive*, p. 30.

<sup>21</sup>Abul Fazl : *Ain-i-Akbari*, ed. by Sarkar, Vol. II, pp. 190—191. The court historian wants us to believe that it was the biggest city in the whole world.

man were in a market".<sup>22</sup> These impressions of Fitch are corroborated by another European traveller, William Finch, who remarked about Agra: "It is spacious, large, populous beyond measure, that you can hardly pass the street. . . ."<sup>23</sup>

Agra continued to expand and flourish during Jahangir's reign as is clear from his observations. "The habitable part of Agra", he writes, "extends on both sides of the river. On its west side, which has the greater population, its circumference is seven kos, and its breadth is one kos. The circumference of the inhabited part on the other side of the river, the side towards the east, is  $2\frac{1}{2}$  kos, its length being one kos and its breadth half a kos. But in the number of its buildings it is equal to several cities of Iraq, Khurasan and Trans-Oxiana put together. Many persons have erected buildings of three or four storeys in it. The mass of the people is so great that moving about in the lanes and bazars is difficult."<sup>24</sup> Akbar's mausoleum at Sikandra was completed during Jahangir's reign. The Jahangiri Mahal in Agra fort, the tomb of Itimad-ud-daulah, the bath of Aliwardi Khan in Chhipitola and the mosque of Motamid Khan were other buildings of the time of Jahangir. He loved Lahore and Kashmir more than Agra, but the latter continued to be the first city of the realm.

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<sup>22</sup>Ralph Fitch : *Early Travels in India*, ed. by W. Foster, pp. 17—18.

<sup>23</sup>William Finch : *Early Travels in India*, ed. by W. Foster, p. 182.

<sup>24</sup>Jahangir : *Tuzuk-i-Jahangiri*, Beveridge edition, Vol. I, p. 3.

It was, however, Shah Jahan whose building activity raised Agra to the pinnacle of its glory.<sup>25</sup> The Taj Mahal, the Jama Masjid and several other notable buildings like the Diwan-i-Am, the Diwan-i-Khas, the Moti Masjid, etc., inside the fort were planned and executed under his orders.

In June 1658, however, Agra ceased to be the capital of the empire when Aurangzeb removed the court permanently to Delhi. Nevertheless, the cultural and strategic importance of Agra remained unaffected and in official correspondence it continued to be referred to as the second capital of the empire.<sup>26</sup>

## II

The early history of the territory comprising the nineteenth century Agra Province can only be tentatively pieced together out of a mass of tradition and some unconnected facts known to history. During the post-Vedic period flourishing Aryan colonies existed around Hastinapur in the present Meerut district and some other parts of the region, which developed into an empire in the days of the Mahabharata. It was in this territory that the varnashrama dharma and the caste system assumed definite shape and the Brahmans attained a place of superiority in the structure of the

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<sup>25</sup>Banarsi Prasad : *History of Shah Jahan of Delhi*, pp. 263—65. Also S.K. Banerji : "Shah Jahan's Monuments in Agra" in the *Journal of the U.P. Historical Society*, December, 1944.

<sup>26</sup>In the chronicles of Shah Jahan and Aurangzeb Agra is called *Mustakirul Khilafat*, Delhi as *Dar-ul-Khilafat*, Lahore as *Darul Saltanat* and Multan as *Darul Aman*—Latif : *Agra, Historical and Descriptive*, p. 40n.

society. In the Buddhist age, Ayodhya in the Faizabad district, Sravasti now called Sahet-Mahet in the Gonda district and Sankisa in the Farrukhabad district rose to prominence, but at the same time the towns of Banaras and Mathura retained their importance as centres of religious thought and culture. Asokan inscriptions found at Kalsi in Dehradun, on the pillar now in the Allahabad fort, on that removed by Firoz Tughluq from Meerut to Delhi, and in Paota in Saharanpur and Bara Topra in Ambala attest to the antiquity of these places. The stupa at Sarnath near Banaras and Kasia in Gorakhpur speak of their role in this region in the cultural history of the land. Inscriptions of the Kushan Kings, like Kanishka, Huvishka and Vasudeva have been found at Mathura and at Padham in Mainpuri. Among those of the Gupta rulers we have Samudragupta's at Mathura and on Asoka's pillar at Allahabad, Kumargupta's at Bilsara and Skandhagupta's at Bhitari in the Ghazipur district. Hiuen Tsang has given a rosy picture of the land which shows that the Agra region was very fertile and rich and the people prosperous in the seventh century A.D. For instance, writing of Mathura, he says : "The country produces a fine species of cotton fabric, and also yellow gold. The climate is warm to a degree. The manners of the people are soft and complacent. They seem to prepare secret stores of religious merit. They esteem virtue and honour learning".<sup>27</sup> The famous Kausambi of the ancient days is none other than Kosam in the

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<sup>27</sup>Beal : Buddhist Records of the Western World, Vol. I, p. 180.

Allahabad district of today. Many old Jain buildings and Hindu religious places are at Mathura, while another place of importance in the region is Ahichhatra in the modern Bareilly district. In the seventh century a major portion of the region was a part of Sri Harsha's Kingdom of Sthaneshwar.

Throughout the Sultanate period the territory that in future comprised the Mughal province of Agra was almost invariably a part of the Turkish empire. Right from the time of Muhammad of Ghur to the end of the Lodi dynasty, Mewat, the Doab and Awadh continued to be the focus of attention on account of their resources and the turbulent character of the people.

Besides being the capital of the empire, Agra became the head-quarters of one of the provinces (Agra Subah) of Akbar's dominions, and it remained a province of the country till it was conquered by the British in 1803. The Mughal province of Agra extended from Ghatampur in the east on the Allahabad side to Palwal in the west on the Delhi side.<sup>28</sup> From north to south it spread from Kanauj to Chanderi and thus covered 175 kos in its width.<sup>29</sup> In other words, the river Ganga formed its north-western boundary, while Chanderi was the southern-most corner of the

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<sup>28</sup>Abul Fazl : *Ain-i-Akbari*. Sarkar's edition, Vol. II, p. 190.

<sup>29</sup>*Ibid.*

province.<sup>30</sup> It consisted of thirteen sarkars or districts which were sub-divided into 203 parganas.<sup>31</sup> The districts of Akbar's Agra province were—Agra, Alwar, Bayana, Gwalior, Irij, Kalpi, Kanauj, Koil, Mandrail, Narwar, Narnaul, Sahar and Tijara.<sup>32</sup> In 1665 one more sarkar was created, raising the number to fourteen. Later on, however, there was a slight change in the number of districts. Narnaul and Tijara, which were originally in Agra, were transferred in 1665 to the Delhi province.<sup>33</sup> The number of mahals was decreased from 162 to 216.<sup>34</sup> After thirty years, however, it was decided to increase the number of mahals from 216 to 268 in 1695, as experience had shown that a diminution in the number of mahals told upon the efficiency of the Government. Another change took place in 1700 when the number of districts was again reduced to twelve and those of the mahals to 244.<sup>35</sup> This number remained constant throughout the rest of Aurangzeb's reign. Along with the number and area of the administrative units the provincial revenue also fluctuated.<sup>36</sup>

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<sup>30</sup>Khulasat-ul-Tawarikh, translated by Sir J. Sarkar in 'India of Aurangzeb, Topography, Statistics and Roads', page 25b of the Asiatic Society Manuscript.

<sup>31</sup>Abul Fazl : Ain-i-Akbari, Vol. II, p. 193.

<sup>32</sup>Abul Fazl : Ain-i-Akbari, Vol. II, pp. 193-206. Also Sarkar : India of Aurangzeb, p. xl.

<sup>33</sup>Sarkar's translation of Khulasat-ul-Tawarikh and Chahar Gulshan in 'India of Aurangzeb, Topography, Statistics and Roads'.

<sup>34</sup>Sarkar : India of Aurangzeb, p. xl.

<sup>35</sup>Ibid p. :xl.

<sup>36</sup>Ibid, p. xli.

In the year 1594 the revenue of the Province of Agra amounted to Rs. 1,36,56,257-9-6 pice or 54,62,50,304 dam per year.<sup>37</sup> Its revenue rose considerably during the reign of Shah Jahan. In 1648 it was Rs. 2,25,00,000, thereby showing an increase of Rs. 88,43,743 over that of Akbar's time. A sudden increase is observed in 1654 when it rose to Rs. 341,15,052. This was the highest amount of revenue ever realized from the province during the Mughal period, for under Aurangzeb we observe a slow, but steady, decline in the receipts.

In the second half of the seventeenth century the province was faced with a powerful Jat rising due, in the first instance, to the weakness of the Government, and after wards, to the policy of religious intolerance pursued by Aurangzeb. There was then, as now, a considerable Jat population in the districts of Agra, Mathura and Aligarh. Their chief, Nand Ram, withheld the revenue during the War of Succession among the sons of Shah Jahan and submitted only after force was used against him by the victorious Aurangzeb. In 1668-1669 Gokul defied the Government and was defeated and killed only after military assistance had come from Delhi. Next occurred the rebellion of Churaman Jat which lasted with some breaks from the time of Shah Alam I to that of Muhammad Shah. Nilkanth Nagar, deputy of the Governor of Agra, who attempted to suppress the Jat turbulence was defeated

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<sup>37</sup>Abul Fazl : *Ain-i-Akbari*, Sarkar's edition, Vol. II, p. 193.



and killed by them on September 26, 1721.<sup>38</sup> Raja Jai Singh, Saadat Khan's successor, was successful in creating a rift in the Jat ranks, and securing the co-operation of Badan Singh, a prominent chief, in his attack on Churaman. Almost at the same time a misunderstanding arose between Churaman and his son Mohkam Singh which ultimately resulted in Churaman's committing suicide by taking poison. Mohkam Singh realised the uselessness of an unequal warfare and submitted to Raja Jai Singh. The latter recognized Badan Singh as the new leader of the Jats in the place of Churaman. He thus attempted to put an end to the Jat resistance.<sup>39</sup>

The invasion of Nadir Shah in 1739 was equally harmful to Delhi and Agra. On the other hand, the disturbed state of the province encouraged the Jats to continue their rebellion and increase their power, the pace of which was accelerated by the death of Muhammad Shah. During the reign of Emperor Ahmad Shah (1748-1754), the Jat chief Suraj Mal, the successor of Badan Singh and nephew of Churaman, became one of the most powerful rulers of his time in north India. Fazil Khan was the Governor of Agra and Alamgir II (1754-1759) the Emperor when Ahmad Shah Abdali invaded India for the third time in 1756-57, and his general Jahan Khan plundered the city of Agra and laid siege to the fort (March 1757).<sup>40</sup> The siege of

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<sup>38</sup>A.L. Srivastava : *The First Two Nawabs of Awadh*, 2nd. edn. p. 26. Saadat Khan was the Governor of Agra.

<sup>39</sup>K.R. Qanungo : *History of the Jats*, Vol. I, p. 59.

<sup>40</sup>Sarkar : *Fall of the Mughal Empire*, Vol. II, p. 88  
Latif : *Agra, Historical and Descriptive* pp. 5-7.

Jahan Khan did not succeed and he was compelled to retire on March 23, 1737.<sup>41</sup> On the eve of his return from India, Ahmad Shah Abdali appointed Najib-ud-daulah, the Rohila, as his deputy here in India, and this excited the jealousy of Ghazi-ud-din Khan Imad-ul-mulk who invited the Marathas to north India under the command of Malhar Rao Holkar against the Emperor himself.<sup>42</sup> Najib-ud-daulah, therefore, had to retire to Najibabad (in Bijnor) in Rohilkhand, while Imad-ul-mulk and his allies, the Marathas, became supreme in Delhi and the province of Agra. It was at this time (May 1737) that the fort of Agra and the territory around it passed into the hands of the Marathas. Malhar Rao Holkar was appointed Governor of Agra by the Peshwa and the Holkar nominated Vithal Shiva-deva as his deputy. They retained possession of the province till the terrible holocaust of Panipat temporarily drove them back to South India. The city of Agra along with its suburbs was left leaderless for some time, but soon the place of the Marathas was taken by the Jats. Suraj Mal, the Raja of Bharatpur, who was extending the boundaries of his Kingdom since his succession to power after the death of Badan Singh in June 1736, had, as a result of the battle of Panipat, become "the strongest potentate in India with absolutely unimpaird forces and an over-flowing treasury, while every other chief had been more or less ruined."<sup>43</sup> He

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<sup>41</sup>Sarkar : *Fall of the Mughal Empire*, Vol. II, p. 88.

<sup>42</sup>For details of this agreement see 'Mughal-Maratha Treaty of April 1752' by the present writer in the *Journal of Indian History*, Travancore, December, 1952.

<sup>43</sup>Sarkar : *Fall of Mughal Empire*, Vol. II, p. 324.

occupied the city of Agra and besieged the fort, which was "now the richest city in the empire". Sir Jadunath Sarkar remarks : "Agra fort had never opened its gates to any Durrani agent. The rich fugitives from the capital (Delhi) had taken refuge in Agra and it was the best centre of trade in upper India in those troubled times. The accumulated hoards of the Mughal emperors from Akbar's reign had been lodged in Agra fort, and though much of this treasure had been dissipated by Aurangzeb's long wars and the insolvency of his successors, yet much still remained, especially costly robes, furniture, utensils, and jewellery worthy of kings."<sup>44</sup> Agra fort submitted after a siege of twenty days on June 12, 1761.<sup>45</sup> The Raja of Bharatpur carried away most of these treasures to Bharatpur and Deeg. Suraj Mal's successor Jawahar Singh extended the Jat power still further and recaptured the lost Jat posts in the middle of the Doab and fixed Ballamgarh his base of operations against Delhi.<sup>46</sup> On the south-east he reached as far as Kalpi in 1767.<sup>47</sup> He fixed Agra as his residence for some time and all through this time the Marathas were pushed into the background. The Maratha local agents reported in July 1767: "Bhadaur, Kachhivadhar, Tomardhar, Sikarbar, Dandrauli, Khitauli, all are gone from us.

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<sup>44</sup>Sarkar : *Fall of the Mughal Empire*, Vol. II, pp. 324—325.

<sup>45</sup>Sarkar : *Fall of the Mughal Empire*, Vol. II, p. 325. Dr. K. R. Qanungo : *History of the Jats*, Vol. I, pp. 143—144, gives 16 May, 1761, which does not seem to be correct.

<sup>46</sup>Sarkar : *Fall of the Mughal Empire*, Vol. II, p. 336.

<sup>47</sup>*Ibid*, p. 347.

Only a small tract remains, but that too has been rendered lampless. We retain Gwalior and Jhansi only; all else is under the Jat rule".<sup>48</sup> The Jat power was at its climax in the time of Jawahar Singh. Early in August 1768, this Jat hero was cut down by one of his own treacherous soldiers.<sup>49</sup>

In 1772 the Marathas restored Shah Alam II to the throne of Delhi and re-occupied the whole of the Doab, including the city and territory of Agra, and snatched it from the hands of the Jats. In 1773 as a result of the pre-mature death of Peshwa Madhava Rao, however, the Marathas retired to South India. The Jats under Raja Nawal Rai of Bharatpur recovered Agra on the retreat of the Marathas, but only to be expelled from it on February 18, 1774 by Mirza Najaf Khan, the Prime Minister of Shah Alam II who recovered it for the Emperor.<sup>50</sup> Growse did not take into consideration the temporary rise and fall of fortune and stated that the Jats held Agra "for the last 13 years since its occupation by Suraj Mal after the battle of Panipat in 1761."<sup>51</sup> Emperor Shah Alam II appointed Muhammad Beg Hamdani the new Governor of the Agra Province, and he held the post for the next ten years. The command of the Agra fort was given to Daud Beg Khan.

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<sup>48</sup>Selections from the Peshwa's Daftar, Vol. XXIX, Letters No. 147, 149, 152, 197, 207 and 215.

<sup>49</sup>Sarkar : *Fall of the Mughal Empire*, Vol. II, p. 351. Dr. K. R. Qanungo : *History of the Jats*, Vol. I, pp. 215—18, however, gives July, 1768 as the month of Jawahar Singh's death.

<sup>50</sup>K. R. Qanungo : *History of the Jats*, Vol. I, p. 269.

<sup>51</sup>Growse : *Mathura Memoir*, p. 26.

On the death of Najaf Khan on April 6, 1782, his authority passed into the hands of his successors, Mirza Shafi and Afrasiab Khan. Shafi, however, was assassinated at Agra by Muhammad Beg Hamdani, the Governor in 1783. Thereafter Hamdani rebelled and defied the orders of the Emperor. Next year, in November 1784, Mahadji Sindhia became Wakil-i-Mutluq (regent) of the Mughal Emperor and proceeded against Hamdani, the rebel Governor of Agra. The Maratha commander captured Aligarh from Afrasiab Khan and the latter, after sometime, was killed by Zain-ul-Abidin, the brother of Mirza Shafi in revenge for his brother's death. Next, Mahadji Sindhia laid siege to Agra fort which was defended by Muhammad Beg Hamdani; but being deserted by the rebel party Hamdani had to surrender to the Maratha general and Agra once again passed into Maratha hands in March 1785.<sup>52</sup> Mahadji Sindhia appropriated the property of Afrasiab Khan, estimated at one crore of rupees. Deeg, the Jat fortress, next attracted the attention of the Sindhia, and it met with the same fate as Aligarh and Agra. After Deeg he became entangled in the affairs of Rajputana. During his absence from Delhi, a party was formed against him which manoeuvred his dismissal from his post at the court. Nonetheless, Agra fort and a major portion of the Province of Agra remained parts of the Sindhia's kingdom with its head-quarters at Gwalior. He placed the fort under the command of Lakwa Dada who was one of his ablest and most trusted generals. From 1787 onwards

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<sup>52</sup>Franklin : History of the Reign of Shah Alum pp. 132-135 ; Mill : History of British India, Vol. V, p. 22.

he also maintained friendly relations with Ranjit Singh, the Jat ruler of Bharatpur.

On the dismissal of Mahadji from the court, power passed into the hands of Ghulam Qadir, son of Zabita Khan and grandson of Najib-ud-daulah, who became the Bakhshi of the empire in 1787. He allied with Ismail Beg, the nephew of Hamdani, and attacked Agra. The siege of Agra proceeded under Ismail Beg, while the Rohila chief returned to Delhi after defeating the Maratha forces under Rana Khan, in April 1788 at Fatehpur Sikri. Lakwa Dada, however, was more than what the people had supposed him to be, and he held the fort of Agra against great odds. When the Maratha reinforcements commanded by General de Boigne<sup>53</sup> arrived and a charge was made from the eastern side of the fort, Ismail Beg had to beat a retreat after crossing the swollen Yamuna late in June, 1788. Ghulam Qadir vented his anger on the Emperor by deposing him on July 30, 1788 and taking Shah Alam's eyes out with his own dagger on August 10, the same year. However, when the frantic appeals of the blind Emperor reached Mahadji Sindhia, he forgot his dismissal and recovered Delhi and freed the blind man early in October 1788. Mahadji hunted down Ghulam Qadir Rohila and got him executed in March 1789, thus avenging Shah Alam.<sup>54</sup> Ghulam Qadir's confederate,

<sup>53</sup>For De Boigne see Sir Jadunath Sarkar in *Proceedings of the Indian Historical Records Commission*, Vol. XVII, Baroda, 1940.

<sup>54</sup>Franklin : *History of the Reign of Shah Alam*, pp. 141—186.

Ismail Beg, was sent to Agra in 1792 to live there as a State prisoner, and he died there the same year.

Thus from 1784 to 1790, with only a brief break in 1786-88, Mahadji Sindhia "the nominal slave but the rigid master of Shah Alam II, emperor of Delhi" was the *de facto* ruler of the region from the Satlaj river to Agra.<sup>55</sup> Meanwhile, the Sikhs were making incursions into the Ganga-Yamuna Doab.

On his death on February 12, 1794 at the age of sixty-seven Mahadji was succeeded by his nephew and adopted son, the thirteen-year-old Daulat Rao Sindhia who was a vain and unworthy successor to the great Maratha general and chief. Daulat Rao Sindhia and Jaswant Rao Holkar (son of Tukoji Holkar) occupied themselves in mutual quarrels at a time when Sir John Shore's policy of non-intervention had been replaced by the aggressive imperialism of Lord Morington who landed on the Indian soil as Governor-General of the British East India Company on April 26, 1798. Fate turned against the Marathas when Nana Fadnis breathed his last on March 13, 1800.

The dissension in the Maratha camp offered a nice opportunity to Lord Wellesley who, assisted by Arthur Wellesley and Lord Lake, started the Second Anglo-Maratha War and fought against the Marathas.

Lord Lake started from Kanpur on August 7, 1803, marching by way of Kanauj and Mainpuri to

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<sup>55</sup>N. K. Sinha : Rise of the Sikh Power, p. 133.

Aligarh, which he reached towards the end of the month. The Sindhia's troops were composed of the Fifth brigade under the French commander General Perron, distributed over Delhi, Aligarh and Agra, and the Second brigade under Colonel George Hessing, a Dutch officer in Maratha service, posted at Sikandra in the Agra district. General Lake defeated Perron on August 29 outside Aligarh and the fort of Aligarh, left by Perron under Colonel Pedron, was stormed on September 4, 1803.<sup>57</sup> Colonel Macan was sent with one British and two Indian regiments to defend Shikohabad, which was attacked by M. Fleury. Colonel Macan joined Lord Lake at Mathura on his way back. The French commander of the Sindhia's forces, General Perron, deceived his master in the hour of his greatest need and resigned from Maratha service on September 7, 1803. He sent a letter to Lake to inform him of his decision and submitted to the English in the hope of saving his life and the huge property in India and requested permission to pass through the English Company's territory to Lucknow.<sup>58</sup> On his submission to the English, Perron left M. Bourquien in the lurch at Delhi. The latter was defeated in the absence of reinforcements, and surrendered to Lake on September 11.<sup>59</sup> Lake next proceeded to Mathura where the French

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<sup>57</sup>Martin : Despatches, Minutes and Correspondence of Marquess Wellesley, Vol. II, p. 283.

<sup>58</sup>Martin : Despatches, Minutes and Correspondence of Wellesley, Vol. III, p. 291; Sarkar : Fall, Vol. IV, p. 283.

<sup>59</sup>Grant Duff : History of the Marathas, Vol. III, p. 250. For Perron's duplicity see Fall of Mughal Empire, Vol. IV, pp. 251—257 and p. 288.

<sup>60</sup>Sarkar : Fall of the Mughal Empire, Vol. IV, pp. 291-293.



commandant Du Dernaigue submitted after a fight, on October 2, 1803, as he, too, could not get help from any quarter. On October 4, the British army passed through Sikandra and encamped before Agra, which was in the charge of George Hessing. Both the fort and the city were besieged by the English on October 7. The English entered into an agreement with the Raja of Bharatpur on October 9, whereby the latter gave to the English 5,000 cavalry for the siege of Agra. Meanwhile, the Maratha garrison in the fort, suspecting the loyalty of the French soldiers and commanders due to the treachery of Perron, mutinied against its French officers. The town was captured by Brigadier-General Clarke on October 10, 1803. General Lake also was successful in effecting a breach in the south-eastern bastion of the fort by firing on the 17th October. The Maratha forces did their best to defend the fort, but the walls of the south-eastern bastion were broken into and Lake's victorious forces entered into the fort through the Amar Singh Gate. The fort thus capitulated on October 18, 1803.<sup>60</sup> The remaining forces of the Marathas were finally routed at Laswaree in Alwar State in the month of November 1803. This defeat of Daulat Rao Sindhia and the treaty of Surji Arjun-gaon (December 30, 1803), which followed it, brought Agra and Delhi along with all the possessions of the Sindhia, north of the Chambal river into the hands of the English.<sup>61</sup> He had to give up to the English

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<sup>60</sup>Atkinson : North Western Provinces Gazetteer, Vol. VII, p. 628 ; Sarkar : Fall, Vol. IV, pp. 294—297.

<sup>61</sup>Grant Duff : History of the Marathas, Vol. III, p. 527.

East India Company the most fertile parts of his empire, i.e., the Doab between the Ganga and Yamuna.

The Maratha rule over Agra, thus, lasted for about eighteen years. The territory north of the Chambal ceded by the Sindhia was called the Conquered Districts, while that ceded by the Nawab of Awadh was given the name of the Ceded Districts. The latter territory was provisionally placed under the charge of Henry Wellesley with his designation as Lieutenant-Governor of the Ceded and Conquered Districts.

## CHAPTER II

### AGRA IN TRANSITION, 1803-1833

When Saadat Ali Khan, the Nawab of Awadh, ceded a portion of his territory to the East India Company, Lord Wellesley decided to utilize the services of his brother Henry Wellesley for the organization of administration in those districts. Henry, "an astute diplomat," was the right person to administer the affairs of a British province created as a barrier between the dominions of the Nawab of Awadh and the other foreign powers. He was given full powers of administration of the Ceded Districts, as these areas were originally called. He was entrusted with the fiscal as well as the judicial administration of the Districts which were inhabited by people "unaccustomed to regular order or law, and habituated to suffer and to commit the utmost excesses of violence and oppression".<sup>2</sup> The Governor-General made the following appointments<sup>3</sup> on November 14, 1801:

Lieutenant-Governor and President of the Board of Commissioners	Henry Wellesley
Commissioners for the Ceded Province	(i) Mathews Leslie (ii) Archibald Seton (iii) Joseph Fombelle

<sup>1</sup>Cambridge History of India, Vol. V, p. 353.

J. W. Kaye, however, calls Henry 'a hanger-on': vide Administration of the East India Company, p. 235. He became famous in British politics as Lord Cowley, a diplomat.

<sup>2</sup>The Asiatic Annual Register for 1807, p. 18.

<sup>3</sup>The Asiatic Annual Register for 1801, Bengal Occurrences, p. 29.

Collectors of Revenue

- (i) John Rontledge
- (ii) William Leycester
- (iii) John Deane

Secretary to the Board  
of Commissioners

Graeme Mercer

The condition of the Ceded Districts was deplorable at the time of their cession. The indifferent policy of the imbecile Awadh Government and the oppressions of the bureaucracy and of the feudal order had "drained the country of the specie; the efforts of the industrious were penalized; commerce, though not entirely ruined, was nearly at a stand-still; the revenues of the State, arising as well from land as the other taxes, were collected with the utmost difficulty.. ."<sup>4</sup> Henry Wellesley decided to introduce some reforms to improve the condition of the people. Soon after establishing himself at Bareilly, the capital of the Ceded Districts, he abolished the numerous mints and ordered that the minting of currency should be limited to Allahabad and Bareilly.<sup>5</sup> An idea of the deterioration in the economic condition of the territories can be easily had from the fact that during the Mughal period the land revenue alone of this areas amounted to Rs. 2 crores and 50 lakhs, while by 1801 the revenue from all sources (land and other taxes) had fallen to Rs. 1,35,20,474.<sup>6</sup> Henry gave

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<sup>4</sup>The Asiatic Annual Register for 1807, pp. 18—19.

<sup>5</sup>Ibid, p. 19.

<sup>6</sup>Ibid, pp. 19—20.

According to Sleeman, vide *Journey Through the Kingdom of Oude*, Vol. II, pp. 186—188, it was Rs. 1,33,47,135-12-3, while Irwin, vide *Garden of India*, p. 105, computes it at Rs. 1,35,00,000.

the Collectors discretionary powers to settle the land revenue demand upon a progressively increasing produce, as the condition of the peasants improved. The land revenue was settled on the basis of the information or estimates received from the tahsildars regarding the produce of the soil or after the fields in every estate were inspected as far as possible. Where none of the above two procedures was possible, settlements were concluded on the same terms as they existed under the Nawab's administration, for the fiscal year was quickly running out. A triennial settlement was undertaken mainly with the land holders, on the expiry of the current financial year with the assistance of a large number of clerks, called Registers.<sup>7</sup> The Collectors of revenue were also to act as Judges and Magistrates.<sup>8</sup>

The Lieutenant-Governor found that the *Rahdari* and *Sayar* (transit) duties were very unpopular with the merchants as they were very vexatious. He found their collection also a very expensive affair, while the receipts were very low in proportion to the duty levied by the Government and paid by the public. He, therefore, abolished the transit duties and relieved the trade of the province from their burden.<sup>9</sup> The transit duties were replaced by "regular and defined customs, or duties on the imports and exports." By this regulation an *ad valorem* duty of five per cent on imports and two and a half per cent on exports was levied on

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<sup>7</sup>Kaye: Administration of the East India Company, p. 236; Asiatic Annual Register for 1807, p. 20.

<sup>8</sup>Asiatic Annual Register for 1807, p. 18.

<sup>9</sup>Regulation XXXVIII of 1803.

every article of trade, and customs houses were established in every district. The removal of the transit duties meant a good saving to the Government and the easy collection of a larger amount of money as customs tax, as also a great encouragement to trade and commerce.<sup>10</sup>

The Ceded Districts were infested by bands of land robbers and river banditti. The robbers plundered the villages of the East India Company and then retired into the jurisdiction of the Nawab of Awadh in taluka Pouria and other villages, numbering twenty in all, which cut into the ceded Etawa district and formed a peninsula within it. In order to suppress these robbers, the Lieutenant-Governor negotiated with the Nawab of Awadh and included these villages into the Ceded Districts and made proportionate compensation to the Nawab from other lands.<sup>11</sup> The navigation of the Yamuna river, similarly, had come to a stand still, as both banks of the river were infested by river banditti. In order to maintain peace and order and encourage river commerce, Henry Wellesley appointed a guard of boats and watch-keepers on the river. Cotton trade with western India through water routes was encouraged by this reform. Allahabad soon became a centre of west Indian and north Indian trade. This city had long been a place of pilgrimage to the Hindus; now it became "a flourishing commer-

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<sup>10</sup>Asiatic Annual Register for 1807, p. 20; Dewar: Hand Book to the English Pre-Mutiny Records, in the Government Record Rooms of the United Provinces of Agra and Oudh, p. 14.

<sup>11</sup>Asiatic Annual Register for 1807, p. 21.

cial capital."<sup>12</sup> More than six hundred commercial establishments began functioning on both banks of the river from Allahabad to Banaras.<sup>13</sup> As a result of these security measures, "a wide field for commercial speculation opened, for furnishing the Company's investment of piece-goods, sugar and opium from Bareilly, Mohow, and Azamgarh, and cotton from Etawa and other places for the China market, at prices considerably under what that article usually furnished at Bombay."<sup>14</sup>

The country between Haridwar and Najibabad, which was under woods and marshes, was reclaimed for cultivation by the orders of the Lieutenant-Governor. Three miles distant from Haridwar he constructed the famous Ganga Ghat and the sarai and some other buildings for the use of merchants and traders and other people visiting this holy place. In doing this Henry Wellesley had in view mainly the economic interests of the Company. When the fair was held, some of the merchants and some pilgrims decided to settle down at Haridwar and thus the marshy and jungle land was populated due to the interest the new administrator took in popular welfare.<sup>15</sup>

The Salt trade was made a Government monopoly throughout the Ceded Districts by an order issued on November 6, 1802. Commercial Residents of the

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<sup>12</sup>Ibid, p. 21.

<sup>13</sup>Ibid.

<sup>14</sup>Ibid, pp. 21-22.

<sup>15</sup>Asiatic Annual Register for 1807, p. 23.

Company were to manage trade in this commodity.<sup>16</sup> Etawa became the emporium for cotton trade and merchants from all over northern and central India came to have business transactions here and many of them finally settled down in Etawa. Hathras was another centre of trade which had business relations with Etawa. Many businessmen migrated from Hathras to Etawa during this time.

The Lieutenant-Governor's jurisdiction was extended to Farrukhabad also when its Nawab, Imdad Hussain Khan, surrendered it to the Company in 1802.

All these measures of Henry Wellesley restored order in the Ceded Districts of Awadh with the result that the people were encouraged to lead a peaceful life. They were given an opportunity to devote their time to productive activities and to the improvement of their economic, social and cultural life. In short, Henry Wellesley's measures effected considerable improvement in the condition of the people of the Ceded Districts.<sup>17</sup> The Board of Commissioners was dissolved on February 21, 1803 and Henry Wellesley left for England in March the same year.

After the resignation of Henry Wellesley, a new department was created on February 21, 1803 under the denomination of the Secretary for the Affairs of Districts Ceded by His Excellency the Nawab-Wazir

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<sup>16</sup>Ibid, p. 23.

<sup>17</sup>Sarkar : Fall of the Mughal Empire, Vol. IV, pp. 266ff.



to the Hon'ble Company.<sup>18</sup> John Fombelle was the first Secretary of this department.<sup>19</sup> On the defeat of Daulat Rao Sindhia and the consequent treaty of Surji Arjungaon, a large slice of the Maratha territory was ceded by him to the Company, called the Conquered Districts. The Secretary for the Ceded Districts was directed on November 27, 1804 to take charge of the correspondence with the several civil officers stationed in the different parts of the Conquered Districts. The denomination of the office was changed to the Secretary for the Affairs of the Ceded and Conquered Districts.<sup>20</sup> The Ceded and Conquered Districts formed the foundation on which the later North-Western Provinces was built. The Bengal Regulations of Lord Cornwallis, already introduced in the Ceded Districts in 1801, were applied to the Conquered Districts also in 1803.<sup>21</sup> These Regulations, together with the permanent land revenue system, were extended in 1795 to the Banaras, Ghazipur and Jaunpur districts<sup>22</sup> and a portion of the Mirzapur district.

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<sup>18</sup>Home Department, Public Branch Proceedings, No. 7 of August 1, 1805.

<sup>19</sup>Home, Public Proceedings, No. 1 of July 21, 1803.

<sup>20</sup>Home, Public Proceedings, No. 7 of August 1, 1805.

<sup>21</sup>In 1793 Lord Cornwallis issued a revised Code consisting of 48 regulations for the Presidency of Bengal, recognizing the great constitutional truth that the legislative, the executive and the judicial powers of the State ought to be in separate hands. This body of legislation, with a few subsequent additions, became known as the Bengal Regulations.

See Field : Regulations of the Bengal Code, pp. VI and 42; Campbell : Modern India, p. 34 and Fifth Report of the Select Committee of the House of Commons, 1812.

<sup>22</sup>Administrative Report of the United Provinces for 1911-1912, p. 15 ; Fifth Report of the Select Committee of the House of Commons, 1812.

The code of regulations and the organization of the administrative machinery of the Ceded and Conquered Districts were completed by the middle of 1805. It was, therefore, decided by the Governor-General that the office of the Secretary for the Affairs of the Ceded and Conquered Districts be abolished in August 1805. The different branches of the government of these areas were taken up directly by the Supreme Government at Calcutta. The judicial and revenue affairs of the Ceded and Conquered Districts were transferred to the Judicial and Revenue department of the Supreme Government at Calcutta, while the commercial affairs were entrusted to the Public and Commercial department of the Supreme Government.<sup>23</sup> The Ceded and Conquered Districts were now given a new name and called the Upper Provinces. Except for some minor internal matters, the Upper Provinces continued to be governed directly by the Supreme Government and its officials upto 1834, when they (the Upper Provinces) were separated from the Bengal Presidency and given the name of the Agra Presidency.

In 1805 a new class of officers called Commissioners of Divisions was created. The Commissioners supervised the work of Collectors in the Districts and exercised full control and supervision over the fiscal, executive and police branches of administration in their Divisions. In the fiscal department the Commissioners were subject to the supervision of the Board of Revenue at Calcutta. The Commissioners were also

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<sup>23</sup>Home, Public Proceedings, No. 7 of August 1, 1805.

entrusted with the work of criminal justice in their jurisdiction.<sup>24</sup> Next to the Commissioner in gradation was the Collector who was in charge of one district. The Collector of an Indian district, says Victor Jacquemont (in 1832), "has only one assistant under him"<sup>25</sup>. His assistants and agents were mostly Indians. Even in the early days of the Upper Provinces, there was "a well-graduated system of responsibility." The Collector did little work except correspondence with the Secretaries to the Government of Bengal at Calcutta. The routine work was done by the assistant of the Collector with the assistance of a few Tahsildars and the personnel of the Collector's office. Unfortunately the Collectors rarely came in contact with the people whom they governed.<sup>26</sup> The Tahsildars, who collected revenue on behalf of the Government, came directly in contact with the public. The village accountant (Patwari) was the lowest Government official in the village.

#### EARLY INSECURITY TO LIFE

For sometime after the annexation of the Upper Provinces the East India Company had to be face disturbances and opposition from some quarters in the conduct of proper Government and the collection of revenues. The area of the Doab, specially that around Aligarh, was notorious for the lawless character of its people. Numerous thags, dacoits and rebels had made the Doab their head-quarters and were entrenched

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<sup>24</sup>Parliamentary Papers, House of Commons, Report from Committee, 1831-32, Vol. XII.

<sup>25</sup>Jacquemont : Letters from India 1829-1832, p. 24.

<sup>26</sup>Ibid.

there. The landlords of Farrukhabad were bold enough to defy the authority of the Company, and a major portion of their income came from the loot and plunder of the Company's territories. The refractory zamindars of Aligarh created disturbances all over the Doab and beyond. Bhagwant Singh, the Raja of Sasni and Bijaigarh (in the Aligath district) had two mud forts and twenty thousand soldiers at his head-quarters at Sasni.<sup>27</sup> When revenue was demanded from the zamindar, after the Conquered Districts were occupied by the Company, he refused payment and rose in rebellion. On December 12, 1802, Colonel Blair besieged the fort of Sasni, but even after the arrival of General St. John, the mud fort could not be taken and Lord Lake had to proceed against it in person. Ultimately Sasni was occupied on February 11, 1803. Bijaigarh also was captured after some time.<sup>28</sup>

Another centre of disturbances and disorder was on the western frontier of the Upper Provinces, where the Pindaris plundered and ravaged Rajputana, and its eastern frontier. When Lord Lake was busy fighting against the Holkar in 1805, Amir Khan, the Pindari leader raided the Upper Provinces and plundered the Doab, especially the districts of Bijnor, Moradabad, Pilibhit, Amroha, and Mathura. At last he was hounded out of the Upper Provinces by General Smith. A second group of the Pindaris attacked the Upper Provinces in January 1812 when "a body of Pindaris

<sup>27</sup> Beveridge: *Comprehensive History of India*, Vol. II, p. 733.

<sup>28</sup> Foreign Department, Political Branch Proceedings, No. 15 of March 31, 1803.

called Dost Muhammad's *durra* penetrated through Bundelkhand and Rewa.<sup>29</sup> They plundered many a village and set it on fire and finally proceeded to plunder the commercial town of Mirzapur. However, when the Company's forces started against them from Banaras, they changed their route and plan of action and decamped into the Nagpur territory. The threat of their re-appearance "seriously interfered with (people's)... industrial occupations and the Government incurred great expense in stationing and maintaining troops in various localities...."<sup>30</sup> The Government formed a line of posts stretching from the frontier of Bundelkhand to the Gulf of Cambay in order to defend their territories from the raids of the Pindaris and other refractory and lawless bodies. The defence of such a long line of forts became difficult; rather it was impossible, and the Pindaris took advantage of the situation and repeatedly ravaged and plundered all the three Presidencies of Bengal, Bombay and Madras.<sup>31</sup> In March, 1816, took place their greatest raid in the Upper Provinces when they came in three divisions totalling more than sixty thousand.<sup>32</sup>

Daya Ram, the zamindar of Hathras created disturbances in his estate in the Doab and did not submit to the authority of the Company for a long time. When revenue was demanded from him, he broke

<sup>29</sup>Beveridge : Ibid, Vol. III, p. 50. The border on the side of Rewa was infested by bands of plunderers and other lawless people. Foreign Department, Political Proceedings, Nos. 1-2 of May 26, 1803.

<sup>30</sup>Beveridge : Ibid, Vol. III, p. 50.

<sup>31</sup>Ibid.

<sup>32</sup>Beveridge : Ibid, Vol. III, p. 51.

into rebellion and after some fighting escaped in 1817. The Hathras fortress was reduced by siege in 1817 and annexed to the Company's dominion.<sup>43</sup>

Still another band of robbers, commanded by Gopal Singh, a Bundela chieftain, created confusion and disturbances in Bundelkhand. This Bundela band committed robberies and disturbed the peace of the whole of the southern portion of the Upper Provinces. Lieutenant-Colonel Browne of the First Native Cavalry was appointed to punish this band and its leader. Starting from Agra, Browne attacked Gopal Singh vigorously and captured him on March 19, 1810, after stiff fighting. The band, consisting of about two to three thousand robbers, was cut down almost to a man. Gopal Singh, however, escaped and fled along with his remaining forty followers. But the disturbances from his side were over and people came to know peace, as Gopal Singh did not appear again in the Company's territory.<sup>44</sup>

In the early days of the Company's rule not only did the bandits and zamindars rise against the Government, but sometimes the common people also expressed their displeasure and disapproval of the actions of the new Government by revolting against it. They seemed to have thought at that time that they could make their voice felt by combined action, but they abandoned this habit when the Company's hold over them became firm and complete. In 1813 the Government

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<sup>43</sup>Beveridge, Vol. III, pp. 32-33.

<sup>44</sup>Asiatic Annual Register for 1810-1811, Bengal Occurrences, p. 8.

of Lord Minto finding the finances weak decided to increase the income of the Government by a house tax. Most of the people of the Upper Provinces objected to this new tax, some people doing it actively, while a large number of others passively and silently. The people of Banaras took a leading part in the agitation in the Upper Provinces, and protested against the tax. They closed their shops and encamped outside the town. Ultimately the Government had to submit to strong public opposition.<sup>35</sup> Next year the Government again tried to meet the deficit and decided "to establish the principle of a house assessment by confining it to police purposes, and giving it the form of voluntary payment, by leaving it to the inhabitants to assess themselves in their different wards by means of committees of their own selection."<sup>36</sup> The people of Bareilly objected even to this, and when the Government tried to be strict, there was an insurrection in the town. "In the course of two days about 6,000 men appeared in arms."<sup>37</sup> The insurrection was at last suppressed and the tax levied after great trouble.

These disturbances all round and the insecurity of life throughout northern India due to the existence of many rival political powers made the roads most unsafe and people could not travel from one place to another without a large following or in big caravans and parties accompanied by armed men to protect them from the

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<sup>35</sup>Beveridge : *Comprehensive History of India*, Vol. III, pp. 29-30.

<sup>36</sup>Beveridge : *Ibid*, Vol. III, p. 30.

<sup>37</sup>Beveridge : *Comprehensive History of India*, Vol. III, p. 31.

attack of robbers. Bishop Heber, writing of Bareilly in 1824, describes the great insecurity of life and dangers on the road: "...the crowd of lazy profligate, self-called sawars, who though many of them are not worth a rupee . . . obtain for the most part a precarious livelihood by spunging on the industrious tradesmen and farmers, on whom they levy a sort of blackmail."<sup>38</sup> News-runners and wealthy merchants were equally in the danger of "falling an easy prey to brigands."<sup>39</sup> From the former they snatched whatever copper the poor men possessed, while from the latter they expected money and precious-stones besides ransom money.

Lawlessness reigned supreme, especially on the frontiers. 'An Officer' (probably R. G. Wallace) found round about 1819 that even cultivators and ordinary citizens on the frontiers of the East India Company's and the Sindhia's Kingdoms carried "matchlock or sword . . . and the round of shield ready on their back . . . prompt to resist a lawless soldiery and fight in defence of their corn, cattle, families and even lives".<sup>40</sup> He found the territory from Kanauj to Agra, that is, between the Ganga and the Yamuna "wild, gloomy-looking small ravines"<sup>41</sup> due to the depredations of lawless people and insecurity of life and cultivation.

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<sup>38</sup>Heber : Diary, Vol. I, p. 243.

<sup>39</sup>Jacquemont : Letters from India, p. 159.

<sup>40</sup>Sketches of India for Fire-side Travellers by 'An Officer'. The writer was R. G. Wallace according to Sir Jadunath Sarkar (see his copy of the book), page 245.

<sup>41</sup>Ibid p. 225.



Many were the evil groups which took part in disturbing the peace of the country. The thags took a prominent part in such activities, though their depredations, did not attract the attention of the people and the Government before the revelations made by General Sleeman regarding them in about 1830. Travellers and merchants, rich and poor, civilians and military men, government officials and the public, all were victims of the thags, and many were the ghastly tragedies committed by those fiends in lonely as well as busy halting places. They did their work usually by way-laying the unwary traveller and strangling and plundering him when he was alone or unawares. Another method of these people was to poison travellers by adding a little of stramonium (dhatura) to their food and watch them falling unconscious and sometimes even dying. General St. Leger, then Commander-in-Chief was the first person to draw the attention of his troops and the Government to "a description of murderers denominated thags" who infested the Doab and other parts of the Upper Provinces in 1810. The Government of Lord William Bentinck took vigorous measures to punish these people and they were hunted out and duly punished by a special department under General Sleeman. Between 1826 and 1835 in all 1,562 persons were tried for this crime and out of them 1,404 were sentenced either to death or to transportation for life.<sup>42</sup>

It was only in the beginning of the thirties of the nineteenth century that some degree of security of

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<sup>42</sup>Crooke : The North-Western Provinces of India, p. 135.

life was established and the marauders and robbers punished by the exertions of the Government.<sup>42</sup> The dacoits, however, continued and it was only after Lord Auckland had decided to unite the offices of Thagi and Dacoity under Sleeman in 1838 that Dacoity was suppressed.

#### REVENUE ADMINISTRATION †

The first territories of the Upper Provinces to come under British occupation were Banaras and the adjoining districts whose sovereignty was transferred to the Company in 1775. In 1788 Jonathan Duncan persuaded the Raja of Banaras to allow him to make a settlement of the land revenue of those areas, and the whole territory was permanently settled in 1795 on the pattern of the permanent settlement of Bengal instituted there by Lord Cornwallis in 1793. A promise of a similar nature was made to the cultivators and landholders of the Ceded and Conquered Districts in 1803 and 1805 respectively. Henry Wellesley and the Board of Commissioners took measures to settle the land revenue of these areas. The first Settlement of the Ceded Districts made for three years took effect from the beginning of the fasli year 1210 (September 1802). A proclamation made at the time declared that at the termination of the first settlement a further settlement would be made for three years. It was announced that

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<sup>42</sup>Administrative Report of the U. P. for 1911-1912, page 245.

†The reader is referred to 'Early Land Settlements in the Upper Provinces' by the present writer in the *Uttar Bharati, Journal of Research of the Universities of U.P.*, July, 1955.

after the expiry of the first two settlements, i.e., after six years, a third settlement would be made for four years and after its term was over, i.e., after ten years of British rule, a permanent settlement would be made with the zamindars.<sup>44</sup> It was proposed to raise the revenue, after each settlement, in proportion to the increase in the volume of crops. The Court of Directors confirmed the first settlement of the Ceded Districts on August 28, 1804.<sup>45</sup> This Settlement was concluded within two months of the issue of the order to make it.<sup>46</sup> Naturally, it had to be a summary settlement. In the meantime the Conquered Districts had also come under the rule of the Company and as a stop-gap arrangement their settlement was made for a year to begin with. As in the Ceded Districts, it was provided that two settlements of three years' duration each would be followed by a third of four years' duration, thus stipulating the same period of ten years for the Conquered Districts also for converting the settlement into a permanent one.<sup>47</sup>

In the beginning of 1805 arrangements were started for the second triennial settlement of the Ceded and Conquered Districts according to the proclamation issued earlier. But, as the produce of the land did not increase during the first three years, as it had been

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<sup>44</sup>Regulation XXV of 1803.

<sup>45</sup>Macnaghten to Sadr Board of Revenue, No. 676 dated April 7, 1831, vide Board of Revenue Proceedings, No. 62 for May 24, 1831.

<sup>46</sup>Dewar : Hand Book to Pre-Mutiny Records, p.9.

<sup>47</sup>Regulation IX of 1805.

expected, the terms of the new settlement had to be made easier. The demand of the State was fixed at which it was during the third year of the first triennial settlement, i.e., the year 1212 fasli. It was also declared that after the end of this settlement a four-year settlement would be made. The Governor-General and his Council were anxious to prepare the Upper Provinces for a permanent settlement as soon as possible so as not to burden the administration with the tedious work of periodical assessments. They did not like to wait for the expiry of the ten years as proclaimed by themselves in 1803. The promise of Wellesley had in the meanwhile been repeated by Barlow.<sup>48</sup> In order to facilitate an early introduction of the permanent settlement, therefore, Sir George Barlow, the Governor-General, appointed in June 1807 a Commission "charged with the important duty of inquiring into the condition of the Ceded and Conquered Provinces, and reporting upon the system of internal administration best adapted to the requirements of the people."<sup>49</sup> The members of this Commission, Messrs R.W. Cox and Henry St. George Tucker (who later on rose to be the Chairman of the Court of Directors) left Calcutta for the Upper Provinces on June 25, 1807. That it was the intention of Lord Wellesley, of Sir George Barlow and of Lord Minto, to introduce the permanent settlement in the Ceded and Conquered Districts<sup>50</sup> is "not to be

<sup>48</sup>Ibid.

<sup>49</sup>Kaye : *The Life and Correspondence of Henry St. George Tucker*, p. 216.

<sup>50</sup>Kaye : *The Life and Correspondence of Henry St. George Tucker*, p. 221.

doubted". The Government promised permanent settlement again this (1807) year.<sup>51</sup> The Commission, too, was instructed to prepare grounds for the purpose. It was scarcely possible for the Commissioners to traverse the entire country and to make the assessment on the spot. Therefore, it became imperative for them "to commit the execution of this duty to local officers and for the Commissioners to direct their attention to those general objects on which they could hope to employ themselves with more effect".<sup>52</sup> On the basis of the report of the Acting Collector of the Agra district, the Commissioners recommended as follows: "As it is a frontier district, it appears to us particularly desirable to conciliate the landholders and by giving them a valuable interest in the soil to secure as far as possible their attachment as well as their cordial co-operation with the Government in preserving the tranquillity of the country."<sup>53</sup> The same seem to have been the reports of the Collectors of revenue in the other frontier districts of the newly acquired territories. A large number of the Collectors of revenue in the different districts, however, reported that the country was not ripe at that time for a permanent settlement

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<sup>51</sup>Field : Regulations of the Bengal Code, page 111 ; Baden-Powell : Land Systems of British India, Vol. III, pp. 15-17 ; Administrative Report of the U. P. for 1911-1912, p. 16.

<sup>52</sup>Report of the Board of Commissioners for the Ceded and Conquered Provinces, April 13, 1808 ; Kaye : The Life and Correspondence of Henry St. George Tucker, p. 228.

<sup>53</sup>Acting Collector of Agra on September 29, 1807, to the Board of Commissioners, vide Board of Revenue Proceedings, No. 10 of October 5, 1807.

and suggested "that it be abandoned for the present".<sup>54</sup> On their report the Commissioners recommended to the Government of Bengal "that the permanent settlement in the Ceded and Conquered Districts be for the present postponed" and "that the ensuing settlement concluded for four years".<sup>55</sup> Both Cox and Tucker were so much convinced by the reasoning of the Collectors, and agreed with them from their personal observation, that before their retirement, Tucker recorded a Memorandum on the subject on the 1st of March 1808. He used to say later on : "I was appointed in 1807 to carry into execution a measure which successive administrators had considered to be essential to the prosperity of the country. Although concurring most unreservedly in the opinion that it was wise and salutary,.....I ventured to counsel delay, upon the ground that we were not at that moment in a state of preparation to consummate so great an undertaking; but it never occurred to my mind that the principle of the measure was to be abandoned...."<sup>56</sup> The recommendation, however, was pleasing neither to the Court of Directors, nor to the Governor-General.<sup>57</sup>

The new Commissioners were Sir Edward Colebrooke and Mr. Deane, who agreed with the opinion of the Governor-General in the beginning, but rallied round the opinion of Tucker and Cox when they saw

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<sup>54</sup>Kaye : Administration of the East India Company. p. 238.

<sup>55</sup>Kaye : Life and Correspondence of Tucker, p. 231.

<sup>56</sup>Kaye : Administration of the East India Company p. 238.

<sup>57</sup>Kaye : Life and Correspondence of Tucker, p. 231.

matters in the Upper Provinces for themselves. This time the Court of Directors seemed to agree with the Commissioners. On February 27, 1810, they wrote to the Governor-General that their considered opinion was against the institution of a permanent settlement and that they were unable to recommend it unless they were supplied with more information by the district and local authorities.<sup>58</sup> The Commissioners seem to have realized the loss to the Company and the harm to the prosperity of the country from a permanent settlement of land revenue at that time. The Governor-General, however, seems to have favoured the proposal, though he was not in a position to see matters for himself. He replied to the Commissioners' report on August 31, the same year, saying that the information supplied by the Commissioners themselves justified a permanent settlement of the territories.<sup>59</sup> On the same day, however, the Commissioners reported to the Governor-General that the Saharanpur district (then including Muzaffarnagar) must be excluded from permanent settlement if it was at all introduced, as Saharanpur was not properly populated and cultivated so far. In November 1810 the Commissioners suggested that the Gorakhpur district should be excluded for the same reasons. On the other hand, the Governor-General sought the permission of the Directors for making a permanent settlement in Saharanpur, Kanpur and Gorakhpur. The Court, however, withheld its sanction (November 27, 1811) not only for the three districts

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<sup>58</sup>Board of Revenue Proceedings, No. 62 of May 24, 1831.

<sup>59</sup>Ibid.

but also the whole of the Upper Provinces.<sup>60</sup> Since that time there was a subdued criticism of the proposal of a permanent settlement, and by 1815 it was recognised that Cornwallis had committed a mistake in Bengal in denying the Government of the future advantages of the increased value of the land.<sup>61</sup> The Directors, therefore, instructed the Governor-General that the term of any of the future settlements should not exceed five years.<sup>62</sup>

The result of the Court's despatch of November 1811 was the new assessment of the land revenue made in accordance with Regulations IX and X of 1812—Regulation IX for the Ceded Districts and Regulation X for the Conquered Districts. In making the new settlements it had been decided that all estates of which one-third of the cultivable land was in actual cultivation should be considered ripe for permanent settlement.<sup>63</sup> By 1815 it was realized that it was not proper to make the fourth settlement permanent in the Upper Provinces (as thought before) and, therefore, in 1816 Regulation XVI was passed which extended the

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<sup>60</sup>Macnaghten, Secretary to Governor-General on April 7, 1831, No. 676 to Sadr Board of Revenue, vide Board of Revenue Proceedings, No. 62 of May 24, 1831; House of Commons Papers, 1831-32, Vol. II; Raikes: Notes on the North-Western Provinces, p. 64; Baden-Powell: Land Systems of British India, Vol. III, p. 19. Field: Regulations of the Bengal Code, p. 113.

<sup>61</sup>Moreland: Revenue Administration in the U. P., pp. 31-33.

<sup>62</sup>Administrative Report of the North-Western Provinces for 1882-83, pages 42&43.

<sup>63</sup>Macnaghten to Sadr Board of Revenue, April 7, 1831, vide Board of Revenue Proceedings, No. 62 of May 24, 1831.



existing four-year settlement for a further period of five years, i.e., fasli 1225 to 1229 in the Ceded Districts, while Regulation IX of 1818 extended the term of the settlement in the Conquered Districts up to fasli year 1232.<sup>64</sup>

The procedure for these early settlements was uncertain and rather loose. When the Collector started to make the assessment, he was accompanied by the patwari or the village accountant. The patwari was a hereditary official of the village whose duty it was to register the deeds and keep a record of revenue payments, and he was generally paid by a grant of land free of revenue. This village official first produced a statement of revenue paid by the estate or land under consideration up to that period and gave the names of those persons whom he considered to be the most entitled to engage for the payment of the revenue. The various claimants to this coveted position were then heard on the spot and the Collector made settlement with the person whose claims seemed to be the best and the strongest, provided that he was ready to pay the amount in consonance with the figures in the patwari's records for the past years and provided also that there was no higher bid. As Moreland has rightly remarked: "The settlement thus combined an element of the auction room with an attempt to decide on the validity of the various claims; and it will be readily understood that the latter object was very imperfectly realized."<sup>65</sup>

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<sup>64</sup>Ibid.

<sup>65</sup>Moreland : Revenue Administration of the U. P., pp. 31-32.

A great defect of the early settlements, which were all summary assessments, was that the gross or net produce of the land could not be known, as the land was usually farmed out to the highest bidder. Secondly, the best and the rightful claimants to the soil, who had real interest in the development of agriculture, cultivation and the land, were usually ignored. Thirdly, adventurers and upstarts began to bid for far higher sums of money than was proper and than what they could pay or the land could yield.

As a result of the three early settlements, a new thing was observed to happen in the Upper Provinces. Many a landholder was unable to pay the revenue he had promised to pay at the time of the assessment and decrees were issued against him by the courts of law.<sup>66</sup> The settlement of the land with the highest bidder, the harsh methods of the collection of revenue and the sale of land and property for default in the payments began to tell upon the economic condition of the cultivators and agriculture in the province. The mischievous junior employees of the revenue department like the tahsildars, the qanungos and the patwaris began to cheat the illiterate cultivators of their lands little by little as the villagers were not aware of the terminology and the legal aspects of the new revenue system set up by the Government of the East India Company. Some of

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<sup>66</sup>Mr. Holt Mackenzie told the Commons Parliamentary Committee that the transfer of a large portion of the property of the country by the revenue sales "appear to have produced a mass of evils worse almost than had resulted from the tyranny of any native government".

Report from Committee, East India Affairs, 1831-32, Question No. 851.

them began to make wrong entries in the registers of rights and collections, while others withheld the collections they had made and let the revenues fall in arrears. Then they would auction the property and land of the poor cultivators and purchase it in the name of some relation of theirs or have it themselves under some assumed name.<sup>67</sup> *Benami* purchases of lands like this were many during these years, and the Company's senior officials did not know of them in the beginning.<sup>68</sup> This new process was observed in the Upper Provinces before the termination of the first three triennial settlements. It was estimated that nearly half of the two districts of Kanpur and Allahabad thus passed into the hands of a former revenue department employee of the Government, "often a stranger from the Lower Provinces" of the Bengal Presidency.<sup>69</sup> A fine example as to how all this was accomplished has been recorded by J. W. Kaye.<sup>70</sup> Then, many a landholder had been unable to pay the land revenue at the proper time, and decrees had been issued against him by the courts of law for non-payment of dues. His lands had in the meanwhile been auctioned and purchased by some high bidder. But when the decree-holder and the auction-purchaser went to the cultivator whose lands he had purchased, the latter did not submit and refused to leave his

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<sup>67</sup>Board of Revenue Proceedings, No. 62 of May 24, 1831.

<sup>68</sup>Kaye : Administration of the East India Company, pp. 242-245.

<sup>69</sup>Kaye : Administration of the East India Company, p. 141.

<sup>70</sup>Kaye : Ibid, pp. 241-245.

land. He was not accustomed to land sales in this way and could not imagine that his lands could pass into the hands of some outsider. As Raikes has put it, "A war of land holder against decree holder, auction purchaser and all other intruders began."<sup>71</sup> Unlike the people of Bengal, the people of the Doab and the Upper Provinces did not submit to the decree holders, as they were "soldier cultivators".<sup>72</sup> Such troubles became events of daily occurrence and in the end T. C. Robertson, a District Magistrate (later Lieutenant-Governor of the North-Western Provinces) had to intervene and lodge a protest with the Government against such gross misappropriation and illegal transfers of land by petty Government officers under the cover of sale law and auction of rights. The strong protests of Robertson led the Government to make searching enquiry and the above state of affairs was revealed. The result was Regulation I of 1821, whereby the iniquitous proceedings which had deprived "the poor and ignorant men" of their property and lands by sale law were cancelled. A Commission was appointed to enquire into all the transfers of property which had taken place during the first eight or ten years of the Company's rule in the Upper Provinces. The Governor-General went on a tour of the Upper Provinces to see things for himself and after that Mr. Holt Mackenzie, Secretary to the Bengal Government in the Territorial Department, who had accompanied the Governor-General on tour, was asked to prepare a memorandum giving

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<sup>71</sup>Raikes : Notes on the North-Western Provinces, p. 66.

<sup>72</sup>Raikes : Ibid.

his suggestions about the method to be adopted in the next settlement of the Upper Provinces. Holt Mackenzie produced a voluminous report running into 760 paragraphs, and most of the suggestions made by him were incorporated in Regulation VII of 1822.

Regulation VII of 1822 is regarded by Mackenzie and Moreland as a revolutionary change affecting the cultivators of the Upper Provinces. The principles enunciated in it guided the land revenue administration of the province for the next ten years. The main recommendations of Holt Mackenzie<sup>73</sup> were :

- (i) A careful cadastral survey of the land.
- (ii) Preparation of a full and complete record of rights and interests in the land.
- (iii) A just and moderate assessment and land revenue demand.
- (iv) Protection of the rights of the cultivators.

A revenue settlement was undertaken on some scientific basis for the first time as the result of Regulation VII of 1822. The principles laid down by this Settlement governed all subsequent Settlements and the land revenue administration not only in the Upper Provinces but also in the rest of the Company's empire in India.<sup>74</sup> The principal feature of the Settlement under this Regulation was the investigation of the rights in land and an enquiry about the persons who

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<sup>73</sup> Mackenzie's Minute of 1819 : Field : Regulations of the Bengal Code, p. 115 ; Baden-Powell : Revenue Systems of British India, Vol. II., pp. 20-24 ; Administrative Report of the North-Western Provinces for 1882-83, page 42.

<sup>74</sup>Field : Regulations of the Bengal Code, p. 29.

were entitled to the profits of the land and about the persons, who could be held responsible for the payment of revenues to the Government. The Regulation recognised property in the soil as opposed to interest in the land revenue taken into account so far. The Collectors of revenue, who were also Settlement Officers, were to note down and record interests of all parties in an estate, and thus claims to land were put on record. The work of the Collectors increased tremendously due to the various claims to land, some concurrent, some conflicting, both requiring specification and settlement. The whole machinery of revenue administration was thus clogged, as it were; with over-work and a large amount of records and files were prepared. Such a Settlement was very costly and it took an inordinately long time.<sup>75</sup> The work of revision of the past settlements could be done so slowly that even after ten years had elapsed from the time of its initiation, "it was calculated that it would take sixty more years to render the work complete."<sup>76</sup> But it meant greater care of the interests of the cultivator, and, therefore, was hailed from every corner and made to work.

Regulation IX of 1824 extended the Settlement of the Ceded Districts of 1822 to the Conquered Districts for a period of five years. The extended period not being sufficient for the completion of the Settlement, Regulation II of 1826 gave a fresh lease of life to the

<sup>75</sup>Moreland : Revenue Administration of the U. P., p. 33.

<sup>76</sup>Kaye : Administration of the East India Company, p. 248.

existing Settlement for a further period of five years, extending it from 1235 to 1239 fasli. The slow progress and the confusion created by the Board of Revenue can be guessed from the enquiry of the Government dated July 13, 1830, and the reply of the Board regarding the progress made in the work of Settlement. It is very sad that the Board of Revenue had to reply that they were not in a position to supply the Government with any details or report on the subject as they had no information on hand. The Board told the Government that they required more time for the purpose. The Board, naturally, did not know what they were doing and what was happening to the revenue settlement entrusted to them. Therefore, towards the end of 1830 some members of the Board were deputed to make a tour of the Upper Provinces and report to the Government. This was called the Sadr Board of Revenue on Deputation. The enquiry of the Board revealed that very little progress had been made in the Settlement. The Board in their letter to the Government dated May 25, 1831, said that the real cause of the absence of progress was that the Collectors, while making the Settlements, had to write out very voluminous reports and enter many an unnecessary detail. "The account for a village of only moderate dimensions," they said, "we have reason to believe, will fill paper that binds into a thick quarto volume".<sup>77</sup> They expressed their opinion that economy would have to be made in this direction. The various Collectors also expressed the same opinion. Realizing

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<sup>77</sup>Board of Revenue to the Government on May 25, 1831, vide Dewar : Hand Book to Pre-Mutiny Records, p. 12.

the necessity of saving time, human energy and money, and reducing the inconvenience of the revenue officials, the Governor-General recorded a Minute on January 20, 1832, and remarked : "it thus appears to be the general opinion that the minute researches which have been hitherto made can lead to no practical useful results."<sup>78</sup>

Bentinck, who had taken land revenue reform to heart, pursued the matter seriously. He was at this time on a tour of the Upper Provinces and saw things for himself. He was convinced that something must be done in this connection, and recorded his views in another Minute on September 26, 1832. He convened a conference of the members of the Board of Revenue, the officers of the Survey department, the Commissioners of Allahabad, Agra and Bundelkhand and the officials of the revenue department and experts in the subject at Allahabad which met on January 21, 22 and 23, 1833. This led to the passing of the famous Regulation IX of 1833,<sup>79</sup> which removed some of the defects in the revenue administration of the province.

#### ADMINISTRATION OF JUSTICE

The Banaras Division was the first in the Upper Provinces where the East India Company's judicial administration was introduced in 1775. The system was

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<sup>78</sup>Selections from the Revenue Records, North-Western Provinces, 1822-1833.

<sup>79</sup>See Chapter VI on Revenue Administration.

See also Proceedings of the Board of Revenue dated 29th May 1833, which contain correspondence giving the results of this conference and conveying the orders of the Governor-General-in-Council.



only two years before enforced in Bengal, Bihar and Orissa. It contemplated the appointment of a Judge and Magistrate in each district who sat as a Judge in the civil court and decided criminal cases as a Magistrate.<sup>89</sup> In most of the districts or zillahs he was also given an assistant called 'Register' to whom cases the value of whose amount in dispute was below two hundred rupees could be referred by the Judge for decision.

When the Ceded Districts were acquired, a Court of Appeals and Circuit was established for the territory, with its headquarters at Bareilly. The announcement of the appointment of a Court of Appeal and Circuit with three Judges was also made.<sup>91</sup> One of the junior Judges was to go on circuit twice a year, by turn, once on the 1st of January and then on the 1st of July, while the senior Judge and one of the junior Judges remained at the headquarters to hear the appeals brought before them. The criminal courts administered the Muhammadan Criminal Law with slight modifications. Each court had attached to it qazis or Muftis who were expected to expound the Law and advise the Judge and help him in dispensing justice properly. One good feature of this system was that once the Court of Circuit sentenced an accused to death, or to imprisonment for life, the sentence had to be confirmed by the Sadr Nizamat Adalat at Fort William in Calcutta before it was carried into execution. This established the healthy practice of revision of all important cases.

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<sup>89</sup>Dewar: A Hand Book to the Pre-Mutiny Records, page 3.

<sup>91</sup>Regulation VII of 1803.

When the Conquered Districts also were included in the Company's territory, the jurisdiction of the Sadr Diwani and Sadr Nizamat Adalats was extended to those areas. Immediately the new area was brought under the jurisdiction of the Court of Appeals and Circuit at Bareilly. But a change became necessary. Allahabad, Gorakhpur and Bundelkhand divisions were transferred under the jurisdiction of the Banaras court, while the others were allowed to come under the Bareilly court. The judicial administration was, thus, settled on this pattern for some time to come.

Besides the Judge-Magistrate in each zillah, there was a Register to help the Judge, while some districts had a covenanted civil servant also, under training, attached to the court of the Judge-Magistrate. Subordinate to the Judge there were many Indian judicial officers of three categories—Sadr Amins, Amins and Munsifs. The Sadr Amins had their courts at the headquarters of the districts and were authorised to dispose of cases the value of whose amount in dispute did not exceed Rs. 100/- and which were referred to them by the Judge. The Amins, nominated by the Judge and confirmed by the Sadr Diwani Adalat, had their courts in the interior of the districts, commanding a jurisdiction of about ten square miles and could decide cases the value of whose amount in dispute did not exceed fifty rupees. The Munsifs were the lowest judicial authorities in the district who could take up original cases, if the value of the amount in dispute did no

exceed fifty rupees. The difference between the courts of the Sadr Amins and Amins on the one hand and those of the Munsifs on the other was that whereas the Munsif could receive an original case, a plaint, the Sadr Amins and the Amins could take up only those cases which were referred to them by the Judge. Appeals from all the three classes of Indian judicial officers lay with the court of the Judge. The Judge could refer appeals up to the value of twenty-five rupees to the Register.

At the top of the administration of justice, above the Judge and Magistrate, was the Provincial Court of Appeals and Circuit. It consisted of three Judges, as already described, two of them sitting to form the Court of Appeals and the third going on circuit twice a year. The appeals from the Court of Appeals and Circuit lay with the Sadr Diwani Adalat at Calcutta.

Another important change in the judicial machinery took place in 1825. That year the jurisdiction of the Gorakhpur division was transferred from the Banaras to the Patna Court of Appeals and Circuit<sup>22</sup>. The new jurisdiction of the Courts of Appeals and Circuit was now as follows :—

Banaras Courts	“	Allahabad and Bundelkhand Divisions.
Bareilly Courts	“	Ceded and Conquered Districts minus Allahabad and Gorakhpur Divisions.

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<sup>22</sup>Regulation XVII of 1825.

## Patna Courts     "     Gorakhpur Division.

In the beginning the new system seemed to be a great improvement on the past, as it tried to cut short the distances of Provincial Courts, i. e., Courts of Appeals and Circuit, from the parties to a case. Practice, however, showed very soon that the new system could not work and that it was an utter failure. Due to the proximity of the courts, all of them were over-burdened with work and the courts could not cope with the work properly. There was much congestion in the courts, cases dragged on for years, and people began to think it to be futile to appeal to the higher courts for justice or redress.

During the first half of the nineteenth century justice pure and simple was rather a rare thing in the courts of the East India Company. According to Frederick John Shore, it was more of a mockery of justice than justice itself<sup>83</sup>. The judicial officers, both Indian and English, were corrupt and bribery was rampant in almost all courts, specially so in those of the European Judges. The Judges, their assistants and peons around them oppressed the people and instead of doing justice perpetrated cruelty. The poor people could not make their voice felt and suffered silently, as they had no means for redress<sup>84</sup>.

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<sup>83</sup>F. J. Shore: Notes on the Indian Affairs, Vol. II, pp. 531-536.

<sup>84</sup>F. J. Shore: Notes on Indian Affairs, Vol. II, Appendix A 'Narrative of a passage in the life of Peer-Bux, a weaver.' Also see 'Character of a Commissioner' pp. 536-538.

The working of the courts was slow and costly in those days, as it is today. Charles Raikes writes very pungently on the topic: "If two neighbours quarrel about a drain or a dunghill, a rough word or a hasty blow, their mutual recriminations must all be taken down in black and white, with the statements of all their witnesses, before the smallest legal sentence can be passed,"<sup>88</sup> though meanwhile both the neighbours might have breathed their last. The working of the courts became slow also, because business accumulated fearfully on the files of the Judges. It was natural that such minute details entailed waste of time. "Such was the enormous number of undecided cases on the files, that many of the suitors must wait for years for a decision".<sup>89</sup> In order to avoid new cases from coming to the courts and minimise the pressure of work it was proposed to make justice more costly so that parties might not go to court for trifling matters. Litigation was taxed and it was decided that legal proceedings should only be valid when written on paper bearing the Government stamp. Thus the old practice of deposit-fee for suits was revived. But this did not go far in decreasing the number of cases before the law courts and minimising the pressure of work.

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<sup>88</sup>Raikes: Notes on the North-Western Provinces of India, p. 210.

<sup>89</sup>Kayer: Administration of the East India Company, pp. 340-341.

During the early days of the East India Company the Upper Provinces were notorious for criminal cases which far out-numbered those of the Lower Provinces, i. e., Bengal proper. A despatch from the Court of Directors in 1831 stated: "In the Ceded and Conquered Provinces, depredations with murder and wounding were above six times more prevalent than in the Lower Provinces; affrays with loss of life about five times; and murder and homicide about two or three times."<sup>87</sup> The reasons for this difference are said to have been many; firstly, the two portions of the Bengal Presidency had not been under British rule for the same period of time; secondly, the Upper Provinces were very distant from the head-quarters at Calcutta with the result that proper and strict supervision was impossible; thirdly, the Upper Provinces were exposed to suffer from the neighbourhood of foreign ill-governed States like Awadh, the Sindhia's Kingdom, etc., and finally, the character of the people of the Upper Provinces and that of the people of Bengal proper differed—the former were turbulent while the latter were submissive.<sup>88</sup> Nonetheless, the Directors' despatch states with satisfaction that there had been a marked improvement in the state of the Upper Provinces and criminal

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<sup>87</sup>Despatch of the Court of Directors dated March 30, 1831. Parliamentary Papers, House of Commons, Report from Committee, East India Affairs (Judicial), 1831-32, Vol. XII, Appendix A, page 206.

<sup>88</sup>Ibid, p. 206.

cases were declining in number and intensity.<sup>89</sup> Lord

<sup>89</sup>The punishments awarded by the Courts of Justice were as follows:

Year	Persons sentenced to death.		Persons imprisoned for life or transported.	
	Lower Provinces.	Upper Provinces.	Lower Provinces.	Upper Provinces.
1816	64	51	213	69
1817	57	57	214	54
1818	24	30	150	103
1819	42	52	240	105
1820	25	30	224	100
1821	22	36	189	89
1822	20	30	103	62
1823	42	35	56	62
1824	31	20	89	56
1825	26	40	51	77
1826	26	41	70	101
1827	23	32	96	57

During the two years 1826 and 1827 the punishments inflicted by the courts in the Upper Provinces were as follows:

Punishments	Lower Provinces.	Upper Provinces.
Imprisonment for 2 years and above.	1,777	2,340
Imprisonment for 1 year and under 2 years.	2,169	1,930
Imprisonment for 6 months and under 1 year.	237	64
Imprisonment for 6 months or under.	14,461	20,040
Fines	6,317	14,647
Whipping	12,606	14,704
Hard Labour	12,473	13,211
Dismissal or Suspension of Government Officials.	929	1,887

Figures for both of these tables have been taken from Despatch of Court of Directors to the Governor-General dated March 30, 1831, vide Commons, Reports from Committees (Judicial), 1831-32, Vol. XII-Appendix A, pp. 207-208.

William Bentinck found that the Court of Appeals and Circuit (Provincial Courts) had become resting places for those members of the service who were deemed unfit for higher responsibilities. They were usually inefficient and kept the accused persons unjustly for months in confinement before their trial could begin.<sup>90</sup> This was one of the most important reasons for the corruption in the courts and the failure of the administration of justice in the later as well as early days of the Company's rule. Ultimately, therefore, Bentinck thought fit to abolish these Provincial Courts. In so doing he undid the whole work of Lord Cornwallis. The Revenue Commissioners were now made Judges of Circuit also.<sup>91</sup> The work of the tax Collectors and Judges was now united in the Commissioners of Revenue and Circuit. In judicial matters they worked under the supervision of the Sadr Nizamat Adalat, while in revenue matters they were guided in their work by the Board of Revenue.

The plan, however, did not succeed and the Court of Directors also had to protest against such a measure. Very soon Bentinck himself realized his mistake. Therefore, he transferred the duties of the Sessions to the Civil Judges and ordered that they should hold Jail deliveries once a month.<sup>92</sup> Now, the Civil Judges

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<sup>90</sup>Kaye: *Administration of the E. I. Co.*, pp. 346-47.

<sup>91</sup>Regulation I of 1829.

<sup>92</sup>Kaye: *op. cit.*, pp. 347-348; Dewar: *Hand Book of Pre-Mutiny Records*, p. 6.



were also the Magistrates of their districts. Therefore, it became essential to divest them of their magisterial duties. These magisterial duties of the Judges were now transferred to the Collectors who became Magistrate-Collectors. Thus we find that the responsibility for criminal justice was constantly transferred from one official to another and no proper care was taken of its organization, and, as Kaye has rightly put it, "the protection of life and property was declared to be a matter of minor importance."<sup>93</sup>

Another important change made during Bentinck's time was the creation of separate Sadr Nizamat and Sadr Diwani Adalats for the Upper Provinces in 1831, which is discussed in a subsequent chapter.<sup>94</sup>

### POLICE AND PRISONS

When the administration of India passed into the hands of the Company step by step, the English adopted "the system of administration as they found it in each locality, making, as a rule, as little change as possible."<sup>95</sup> In the Mughal Empire the Faujdar in the districts (sarkars) was "to maintain peace and tranquillity in his jurisdiction, to keep the roads free from robbers and thieves and to enforce imperial regulations",<sup>96</sup> and "the policing the country."<sup>97</sup> He

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<sup>93</sup>Kaye: *Administration of the East India Company*, p. 348.

<sup>94</sup>Chapter VII on Administration of Justice.

<sup>95</sup>Curry: *The Indian Police*, p. 23.

<sup>96</sup>Srivastava: *The Mughal Empire*, p. 180.

<sup>97</sup>P. Saran: *Provincial Government of the Mughals*, p. 209.

had as his assistants many Thanadats who were in charge of police posts called thanas into which a pargana was divided.<sup>98</sup> The history of the Indian police under the East India Company began in Bengal from the time of Lord Cornwallis when he issued the famous Bengal Code in 1793. The Bengal Code itself may be traced back to the "General Regulations for the Administration of Justice" proposed by the Committee of Circuit at Kasim Bazar and "made and ordained by the President and Council in Bengal in 1772."<sup>99</sup> The robbers and dacoits were declared liable to capital punishment, while their families and dependants had to pay for their sins, by being confined to perpetual slavery and harassment.<sup>100</sup> Warren Hastings, as President of the Council, recommended on July 10, 1773, the punishment of transportation outside India for life-term prisoners so that the expenditure on erecting prisons, maintaining the guards and providing the prisoners with food and clothing might be saved. He also suggested the sale of convicts as slave labour. Thanas or police stations were established by Hastings in 1774. In 1790 the administration of criminal justice also was taken up by the Government.

Lord Cornwallis removed the criminal court (Nizamat Adalat) from Murshidabad to Calcutta and insisted on a regular police force. The police,

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<sup>98</sup>Saran: *Ibid*, pp. 230-231.

<sup>99</sup>Raikes: *Notes on the North-Western Provinces*, Chapter VI.

<sup>100</sup>Article 35 of "General Regulations for the Administration of Justice", 1772.

according to him, was necessary for the proper maintenance of peace and suppression of crime and apprehending the criminals. The zamindar's thanadars were to be disbanded and Magistrates were required to divide their districts into police jurisdictions, each in the charge of a Darogha. The Darogha was appointed by the Magistrate, but could be dismissed only by the Governor-General-in-Council. These Daroghas were to receive reports of offences and arrest the suspected persons and send them to the Magistrate for trial within twenty-four hours. Once a person was arrested, only a Magistrate could release him; the Darogha had no such authority. The village Watchmen were also placed under the supervision of the Darogha. This system was extended to the Upper Provinces when the Ceded and Conquered Districts were included in the Bengal Presidency. This was, however, "a piece of patchwork"<sup>101</sup> and therefore did not succeed in giving security of life and property to the people and in making the police an efficient body. "Its failure, therefore," says Mill "and the misery of the people who depend upon it for protection, are not a subject for surprise."<sup>102</sup>

In 1808 a special officer called the Superintendent of Police was appointed in the Bengal Presidency. He was to advise and supervise the police in Bengal. The Superintendent of Police was to collate information from diverse sources so as to keep a vigilant eye on all matters relating to law and order. He received his

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<sup>101</sup>Raikes: Notes on the N. W. Provinces, p. 186.

<sup>102</sup>Mill: History of India, Book VI, Chapter 6.

information from numerous spies and informers. The system was good and was extended to the Banaras and Bareilly districts soon after.<sup>103</sup> Some years later the office of the Divisional Commissioner was created and the superintendence over police affairs was transferred to the Commissioner. Only the district police was left in the hands of the Collector who now became the Magistrate also. The charge, however, proved to be too heavy and the result was disastrous for the efficiency of the police as well as the general administration of the Government. The Fifth Report of the Select Committee of the House of Commons of the British Parliament drew the attention of the Government to the fast deterioration and the grave defects in the police administration in 1812.<sup>104</sup> The removal of the Superintendent of Police gave ample opportunities to the Daroghas, who had continued in office, to accept bribes and become corrupt. These malpractices and the corruption, the Fifth Report pointed out, were due mainly to the lack of proper supervision of the Commissioners over the work of the Daroghas and the other police officials, as the Commissioners were too busy in their administrative duties and did not find time for the police affairs. A special committee appointed to report on the matter made almost the same recommendations, and, therefore, the Court of Directors had to

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<sup>103</sup>Curry: *The Indian Police*, p. 29.

<sup>104</sup>Fifth Report of the Select Committee of the House of Commons, 1812, edited by Firminger.

take up the matter in their hands in 1813. In a despatch to the Governor-General that year they severely criticized the Darogha system and ordered that the old village-police system should be revived, as it had been the best means of ensuring internal peace and order.

It is surprising to note that even this corrupt and inefficient police system was appreciated and liked by Abbe Dubois, the French priest, who was in India up to 1823.<sup>105</sup> Exactly similar was the feeling of another French traveller and botanist Victor Jacquemont who was in India in 1829-1832 and died here while busy in his researches. He wrote to his father from Kashmir on May 28, 1831, regarding the police and the administration of justice in the Bengal Presidency and said: "the English Government in India, though it still calls for reforms, nonetheless merits much praise, and its administration is an immense benefit to the provinces subject to it; I had not appreciated it at its full value till I had travelled through this (Punjab and Kashmir) country, which has remained independent—remained, that is, the scene of hideous acts of violence and continual brigandage and murder."<sup>106</sup>

The landlord and the headman constituted a strong factor in the police administration of the Upper Pro-

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<sup>105</sup>J. A. Dubois: *Description of the Character, Manners and Customs of the People of India and their Institutions, Religious and Civil*. Translated, New Edition, Calcutta, 1905.

<sup>106</sup>Jacquemont: *Letters from India*, p. 222.

vinces. They were as important a part of the Government machinery as they were before. They were entrusted with the duty of maintaining public peace in the rural areas and helping the Government in rounding up the recalcitrant people and bad characters.<sup>107</sup> Raikes is right in saying that "it must be through their aid and concurrence alone that the police can be effectual.....The police without this aid can do very little."<sup>108</sup> When crimes were committed by the landlords and headmen of villages or their relations, it was with great difficulty that the trace of crime or the criminal could be found.

In the rural areas village watchmen were appointed—one watchman for every sixty houses and one officer whose special duty it was to report to the thana about all offences occurring within the village. According to the custom of the villages, a jagit of about three acres of average land was given to the village watchman. The watchman was maintained by the joint contribution of the zamindar and the Government; the former gave the land while the Government made it free of revenue. The watchman became the servant of both.<sup>109</sup>

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<sup>107</sup>Thomason: Directions for Settlement Officers; Section VI-Police, vide Parliamentary Papers (Commons), Accounts & Papers, 1852-53, Public Works, Vol. LXXV;

Regulation XIV of 1808; Regulation VIII of 1814; Regulation XX of 1817.

<sup>108</sup>Raikes: Notes on N. W. P. of India, pp. 222 & 224; Thomason: Directions for Settlement Officers, Section VI-Police.

<sup>109</sup>Thomason, op. cit.

A momentous step in the direction of the formation of the police in India was taken in 1843 by Sir Charles Napier, who based his police in Sindh on the model of the Irish Constabulary. Napier was the first Englishman in India who made the police a separate and self-contained organization—and this was the secret of the success of Napier's police. His scheme was copied by the rest of the provinces, but only after the Great Revolt of 1857-1858.

### CHAPTER III

## FORMATION OF THE AGRA (NORTH-WESTERN) PROVINCE

### EVE OF THE BIRTH OF THE NORTH-WESTERN PROVINCES

In the second half of the eighteenth century India was the battle-ground of many contending interests and powers. The Muslim States of Awadh, Haidarabad and Mysore<sup>1</sup> were threatened by the Marathas; Rohilkhand was coveted and eventually annexed by another Muslim ruler, Shuja-ud-daulah (1754-1775) of Awadh. Among the Marathas, the most powerful chief, Mahadji Sindhia, died in February 1794 and Daulat Rao Sindhia (1794-1817) succeeded him as the *de-facto* master of Delhi and Agra and exercised authority in the name of the Mughal Emperor Shah Alam II (1759-1806). The Holkar, a daring leader, sought to establish his supremacy in Central India and Rajputana. The Bhonsle had established his capital at Nagpur and the Gackwar exercised sway on the western coast on the Bombay side. The Peshwa was fast losing his control over these ambitious Maratha chiefs, who were originally his officers, and was becoming weak and insignificant. In the last quarter of the eighteenth century and the early years of the nineteenth century, the country was infested by bands of mercenaries and

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<sup>1</sup>Mysore was seized by Haidar Ali in 1761. N. K. Sinha: Haidar Ali, Second edition, pp. 35-36.



adventurers, the Sikhs, the Jats, the Marathas, the Afghans and the European upstarts like Perron, George Thomas, De Boigne, Louis Bourquien, James Skinner and Walter Reinhard Samru.<sup>2</sup> A gifted modern writer<sup>3</sup> has given a graphic description of the situation in the following words :

“The old territorial landmarks were all thrown down, the country was cut up and distributed according to the shifting fortunes of predatory warfare.....It would have been impossible to ascertain the precise areas under the effective administration of any ruler at a given time, for they were always disputed and incessantly changing. Most of these States were known only by the names of the chiefs to whom land revenue was paid, and who maintained garrisons which enforced payment.”

Every adventurer was, thus, bent upon making hay while the sun shone, and there was chaos in the political firmament of the country. The English East India Company was one of these European powers. The Company extended its power and territory slowly, carving out the North-Western Provinces bit by bit.

#### ACQUISITIONS BY CONQUEST

##### (a) *From the Nawab of Awadh*

The first component part of the future province of Agra was the zamindari of Banaras which had, till

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<sup>2</sup>Compton: *European Military Adventurers of Hindustan*; Gray: *European Adventurers of Northern India*; Keene: *Hindustan under Free Lances*.

<sup>3</sup>Alfred Lyall: *Rise and Expansion of British Dominion in India*, pp. 238-39.

its cession to the Company in May 1773, been under the suzerainty of the Nawab of Awadh. The English East India Company had started its political and territorial acquisitions in Bombay, Madras and Bengal and had gradually acquired a large portion of northern India due to the efforts of Clive, Warren Hastings and others. The real beginning of the British Empire in North India was made with Clive's *de-facto* acquisition of Bengal, Bihar and Orissa in 1757 and it received legal sanction from Shah Alam II in August 1765. Shuja-ud-daulah, the Nawab of Awadh, was recognized in all his possessions except Allahabad and Kara, which were given to Emperor Shah Alam.<sup>4</sup> In 1768 the Company's jealousy obliged Shuja to limit his military force to thirty-five thousand soldiers.<sup>5</sup> After some time Shah Alam left for Delhi with the Maratha aid, and in September 1773, therefore, Kara and Allahabad were sold to Shuja for rupees fifty lakhs.<sup>6</sup> Shuja's great ambition in life was to crush his western neighbours, the Rohilas, and so he agreed to pay to the English Company rupees forty lakhs as the price of the loan of a brigade of the Company's troops and also to maintain it at a cost of Rs. 2,10,000 per month.<sup>7</sup> The battle of Babul Nala (popularly known

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<sup>4</sup>Aitchison: *Treaties, Engagements and Sanads*, Vol. I, p. 89 and p. 226. See also C. C. Davies: *Warren Hastings and Oudh*, p. 6.

<sup>5</sup>Davies: *Warren Hastings and Oudh*, p. 14.

<sup>6</sup>*Bengal Secret Consultations*, Vol. IX of 1773, pp. 563-67; A. L. Srivastava: *Shuja-ud-daulah*, Vol. I, p. 356; C. C. Davies: *Warren Hastings and Oudh*, p. 35.

<sup>7</sup>Davies: *Warren Hastings and Oudh*, p. 35.

as Miranpur Katra<sup>8</sup> was the result of this understanding and the Rohilas were defeated on April 23, 1774. By another clause of the treaty of 1773, a Resident was appointed at Lucknow, while the capital of Awadh was located at Faizabad. Thus began the English influence in the affairs of Awadh.

Shuja-ud-daulah died in 1775 and immediately the Company declared the agreement of 1773 as lapsed. The Bengal Government entered into a fresh treaty with Asaf-ud-daulah, the new Nawab (1775-1798). According to the treaty of May 1775, Awadh, Kara and Allahabad remained in the possession of the Nawab, but the Zamindari of Banaras consisting of the modern districts of Banaras, Jaunpur, Ghazipur, and a portion of Mirzapur were ceded to the Company. These were not directly administered by the Company, but were allowed to remain as before in the hands of Raja Chait Singh,<sup>9</sup> the son of Raja Balwant Singh of Banaras, for an annual payment of rupees twenty-three lakhs. At the same time the monthly cost of the Company's troops stationed at Lucknow was raised from Rs. 2,10,000 to Rs. 2,60,000.<sup>10</sup> An additional brigade was imposed upon the Nawab from time to time at a cost of rupees twelve lakhs a year. Besides the Resident appointed in the time of Shuja, the Company's Agent (Major Palmer) was voted a salary

<sup>8</sup>Srivastava: *Shuja-ud-daulah*, Vol. II, pp. 243-254.

<sup>9</sup>Aitchison: *Treaties, Engagements & Sanads*, Vol. II, Document No. 31. Also A. L. Srivastava: 'The Treaty of Faizabad' in *Agra University Research Journal*, Vol. I, (Letters) pp. 15-24.

<sup>10</sup>Aitchison: *Ibid*, Document No. 47; Srivastava: *Ibid*; C. G. Davies: *Warren Hastings and Oudh*, p. 84.

of Rs. 2,20,000 a year at the cost of the Nawab.<sup>11</sup> The treaty of 1775 gave the Company the first territorial acquisition on the soil of the modern Uttar Pradesh, or the territory west of Bihar. The cession of Ghazipur, Banaras, Jaunpur and a part of Mirzapur, thus, formed the nucleus out of which developed the Presidency of Agra, later the North-Western Provinces and now the Uttar Pradesh.

The powerful fortresses of Fatchgarh and Allahabad acquired in 1797 and 1798 respectively became the second instalment of territory that went to form the Agra Province. Sir John Shore visited Lucknow in 1797, which had now become the capital of Awadh. He established a fresh drain on the feeble resources of Awadh by stationing two more regiments of the Company "for the defence of the Nawab," at a cost of Rs. 6,50,000 a year. This 'mild and non-interfering' Governor-General imposed upon Asaf-ud-daulah the appointment of Tafazzul Husain, a treacherous pro-British nobleman of Awadh, as his wazir—a veritable spy at the Awadh Court, supported from the Nawab's revenue. Fatchgarh, which was fixed as the headquarters of the Company's brigades, came effectively into the possession of the English.<sup>12</sup> The Nawab did not like this imposition, but was helpless.<sup>13</sup>

Asaf-ud-daulah was succeeded by his son Wazir Ali who disliked British interference in his patrimony.

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<sup>11</sup>This post was abolished by Lord Cornwallis in July 1788.

<sup>12</sup>Edkinson: N. W. P. Gazetteer, Vol. VII, history portion.

<sup>13</sup>Dacoity in Excelsis or Spoliation of Oudh, 1st. Edition, p. 34.

The minister-spy Tafazzul Husain conspired against the Nawab in favour of his own pupil Saadat Ali Khan, the younger brother of Asaf-ud-daulah, and with the minister's connivance Sir John Shore declared Wazir Ali illegitimate. The *gadi* of Awadh came as a wind-fall to Saadat Ali Khan who was passing his days as an exile in Banaras. The new Nawab had to sign a fresh treaty in January 1798, as a result of which the Awadh subsidy to the East India Company was raised from rupees fifty-six lakhs to rupees seventy-six lakhs per annum, payable by monthly instalments of Rs. 6,33,333-5-4; rupees twelve lakhs more were to be paid by Saadat Ali Khan as a nazrana and reward for the *gadi* of Awadh. At the same time the fort of Allahabad was ceded to the Company and a sum of rupees eight lakhs was given by the Nawab to fortify and repair it. Moreover, rupees three lakhs were set apart for the fortification of the Fatehgarh fort. Saadat Ali Khan had thus to contribute rupees eleven lakhs for strengthening the Company's military defence. It was further agreed that the Company would maintain "not less than 10,000 troops" for the defence of Awadh. The treaty was "in its principal stipulations absolutely stinking of rupees."<sup>14</sup>

The third and the biggest slice of territorial acquisition came to the Company in 1801 in the time of Shore's successor Wellesley who was an imperialist through and through. His aim was "to establish beyond the possibility of future opposition the political

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<sup>14</sup>Dacoity in Excelsis or Spoliation of Oudh, 1st. Edition, p. 35.

and military superiority of the English throughout India."<sup>15</sup> Immediately on taking over charge, Wellesley decided to have the Awadh army, which he characterized as a 'rabble', disbanded. Saadat Ali did not agree to this, but he had to submit and the British forces were increased in the same proportion, at an additional cost of rupees fifty-four lakhs annually. Naturally, the Nawab protested against this high-handed policy and in a letter to the Resident dwelt on the difficulty of meeting this enhanced charge. Wellesley promptly declared that the Nawab's letter was a confession of his inability to satisfy the demands of the East India Company, that the subsidy guaranteed by the Nawab was no longer safe, and that it must be secured by the cession of "such a portion of the Wazir's (Nawab's) territories as shall be fully adequate, in their present impoverished condition, to defray those indispensable charges....." The Governor-General deputed his brother Henry Wellesley to Lucknow and "under the threat of complete deposition" the treaty of November 10, 1801, was extorted from the Nawab-wazir.<sup>16</sup> According to this treaty, the East India Company bound itself "to defend the territories of the sovereign of Oudh from all foreign and domestic enemies; and to defray the cost of maintaining the troops required for the purpose; and paying some

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<sup>15</sup>Lyall: *Rise and Expansion of British Dominion in India*, p. 260.

<sup>16</sup>Owen: *A Selection from the Despatches, Treaties and other Papers of Marquess Wellesley*, pp. 207-211.

pensions at Farrukhabad and Banaras<sup>17</sup>.....in exchange for the territories the Nawab ceded to the Company. The cession was to be made with retrospective effect—from September 22, 1801, that is the beginning of fasli year 1209, though the treaty was signed on November 10, 1801. According to the present-day distribution of the districts, Wellesley acquired in 1801 the districts of Gorakhpur, Deoria, Basti, and Azamgarh in the east, the districts of Allahabad, Fatehpur, Kanpur, and Etawa in the south, while Mainpuri, Etah, Farrukhabad and a major portion of the Rohilkhand division (Bareilly Moradabad Badaun, Pilibhit and Shahjahanpur districts) in the west. The treaty was ratified by the Governor-General on November 14, 1801.<sup>18</sup>

(b) *From Farrukhabad*

The Bangash territory of Farrukhabad had become a tributary to Awadh in 1772-73, and paid an annual tribute of rupees four lakhs to rupees four lakhs and a half to Shuja-ud-daulah. In October 1773 Shuja-ud-daulah captured from the Marathas all the territory of Farrukhabad south of the Kali Nadi, comprising the parganas of Kanauj (tahsil Kanauj) Talgram (tahsil

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<sup>17</sup>Aitchison: *Treaties, Engagements & Sanads*, Vol. II, p. 122; Owen: *Selections from the Despatches, Treaties and other Papers of Marquess Wellesley*, pp. 207-211; Sleeman: *Journey Through the Kingdom of Oude*, Vol. II, pp. 186-188; Beveridge: *Comprehensive History of India*, Vol. II, pp. 730-731.

<sup>18</sup>*Ibid.* Also Sarkar: *Fall of the Mughal Empire*, Vol. IV, p. 226; *Asiatic Annual Register for 1802*, p. 29; *Asiatic Annual Register for 1807*, pp. 1-2

Chhibramau) and the parganas of Tirwa-Thatia, Sakatpur, and Saurikh (all in tehsil Tirwa), and appointed Almas Ali Khan as Governor. The Nawab of Farrukhabad continued to rule the remaining parts of the estate, now reduced to vassalage. In accordance with the treaty of 1773 between Asaf-ud-daulah and the East India Company, a regular brigade of the Company's troops was stationed at Fatchgarh, near Farrukhabad, in 1777. The maintenance charges of this brigade were to be paid from the revenues of the Nawab of Farrukhabad. The charges fell into arrears after the agreement and consequently in May 1780 an English Agent was appointed at Farrukhabad. But the condition of the estate did not improve and the matter came to a head on account of a dispute between the Nawab and his uncle with the opening of the nineteenth century.

Nawab Imdad Husain Khan Nasir Jang and his uncle Khird Mand Khan who had been the manager of the estate during Imdad's minority waited on the Governor-General towards the end of 1801. Each of the two wanted British intervention on his behalf. Wellesley, referred them to the Lieutenant-Governor Henry Wellesley, asking him to enquire into their dispute. Henry held conferences with them in May 1802, and on June 4, 1802, a treaty was signed whereby the Nawab of Farrukhabad gave up his claims to the estate ( the remaining portion of it ) and its sovereig-

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<sup>19</sup>Aitchison: *Treaties, Engagements and Sanads*, Vol. II, pp. 79-81. Document No. 29.



nty in perpetuity to the English in exchange for a monthly allowance of Rs. 9,000 or Rs. 1,08,000 per year.<sup>20</sup> The stipulated allowance was to be paid in all cases and was inherited by the Nawab's successors and heirs. A number of other allowances were guaranteed to some relations of the Nawab.<sup>21</sup>

The political gains from the treaty of June 4, 1802, were immense, though they were not many from the economic point of view.<sup>22</sup> The cession was formally made on June 24, 1802. This constituted the fourth instalment of the territory that went to make up the Province of Agra, known subsequently as the North-Western Provinces.

*(c) From the Sindhia and the Bhonsle*

The fifth instalment of the territory of the province came from the Maratha chiefs Sindhia and Bhonsle as the result of the second Anglo-Maratha War. More than a year after the death of Madhava Rao Narain, Baji Rao II succeeded to the office of the Peshwa in December 1796,<sup>23</sup> but all power and influence in the Government were exercised by Daulat Rao Sindhia. The Sindhia soon became over-bearing and the power and person of the Peshwa were threatened by him. This was resented by Jaswant

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<sup>20</sup>Asiatic Annual Register for 1807, pp. 23-24. Also N. W. P. Gazetteer, Vol. VII.

<sup>21</sup>Ibid.

<sup>22</sup>Asiatic Annual Register for 1807, pp. 23-24 and p. 27.

<sup>23</sup>G. S. Sardesai: A New History of the Marathas, Volume III.

Rao and led to a conflict between them in July 1800. Out of this rivalry was born the second Anglo-Maratha War. In October 1802 the Holkar collected all his forces and attacked the combined army of the Peshwa and the Sindhia and defeated the allies on October 25, on the outskirts of Poona. The Peshwa ran from Poona to Singhgarh and then to Rajgarh from where he fled to Bassein under the English protection. The Holkar peeled Poona to the bone and raised Amrit Rao, an adopted son of Baji Rao II, to the vacant masnad. Baji Rao, on the other hand, signed the treaty of Bassein with the English East India Company on December 31, 1802, whereby the Peshwa subordinated all his authority to the English. He was escorted back to Poona in May 1803 by a British force under Arthur Wellesley. The treaty of Bassein was not acceptable to any of the three Maratha chiefs—Sindhia, Holkar and Bhonsle—who saw in it the death-warrant of their confederacy and also of their ambition. According to Owen, this one treaty converted overnight the British empire in India into the British Empire of India.<sup>24</sup> Daulat Rao declared that the treaty "took the turban off his head". The Maratha chiefs now realized the dangers of internal dissensions.

On the outbreak of the war Wellesley planned to demolish the French power under Monsieur Perron on the banks of the Yamuna. He was desirous of becoming the master of Agra, Delhi and a chain of

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<sup>24</sup>Owen: A Selection from the Despatches, Treaties & Papers of Marquess Wellesley, Introduction, p. 46.

posts on the right bank of the Yamuna,<sup>25</sup> Lord Lake, the English commander for campaign against the Sindhia in the north, started from Kanpur on August 7, 1803. He defeated Perron on August 29, stormed Aligarh, Delhi, and Mathura and besieged Agra on October 7, 1803. It was, however, only after the south-east bastion was broken into that the Agra fort could be occupied on October 18, 1803.<sup>26</sup> After securing a large amount of booty in cash, kind and amunitions, Lake continued the pursuit of the Sindhia's forces and started for Alwar on October 27. The final Anglo-Maratha contest of this war took place at Laswari in Alwar where Daulat Rao had collected his "seventeen battalions of trained infantry with excellent artillery, the last of Sindhia's regular army".<sup>27</sup> The battle was fought on November 1, of which Lord Lake reported to Wellesley: "I never was in so severe a business in my life or anything like it, and pray to God I never may be in such a situation again. Those fellows fought like devils, or rather heroes."<sup>28</sup>

Inspite of the French soldiers leaving their posts, the Maratha soldiers stood to their guns until they were killed by the English bayonets. But they were crushingly defeated and their military organization torn to pieces. Both the Sindhia and the Bhonsle

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<sup>25</sup>Etkinsson: N. W. P. Gazetteer, Vol. VII, p. 625.

<sup>26</sup>For Details see Chapter I—Historical Background.

<sup>27</sup>Lyall: Rise and Expansion of British Dominion in India, p. 258.

<sup>28</sup>Lake's Report to Governor-General, November 2, 1803, vide Martin: Despatches, etc., Vol. III, p. 445.

entered into separate treaties with the English in December 1803 whereby they formally recognized the treaty of Bassein. Themselves they entered into defensive treaties and made large cessions of their territories to the Company.

Daulat Rao Sindhia signed the treaty of Sarji Arjungaon and gave up to the English all his possessions in the Doab and along both sides of the Yamuna which secured for Wellesley the navigation of the river and a natural frontier.<sup>29</sup> The Sindhia relinquished all claims to the territory north of the States of Jaipur, Jodhpur, and Gohad. The forts of Ahmadnagar and Broach in Gujarat were also ceded.<sup>30</sup> By another treaty concluded at Burhanpur on February 27, 1804, the Sindhia agreed to maintain a subsidiary force of 6,000 infantry near his frontiers, within the British boundary.<sup>31</sup> Major Malcolm was appointed Resident at his court.<sup>32</sup>

The second Anglo-Maratha War added to the future Agra Province (North-Western Provinces) early in 1804 the present districts of Saharanpur, Muzaffarnagar, Meerut, Bulandshahr, Aligarh, major portions of Agra and Mathura districts and some territory to the west of the Yamuna called the Delhi Territory, comprising Delhi, Gurgaon, Rohtak, Hisar, Sirsa and

<sup>29</sup>Aitchison: *Treaties, Engagements and Sanads*, Vol. V, pp. 384-85.

<sup>30</sup>Aitchison: *Ibid.*

<sup>31</sup>*Ibid.*

<sup>32</sup>Owen: *A Selection from Despatches...* of Wellesley, pp. 419-422.

Karnal.<sup>33</sup> The treaty, therefore, extended the western frontiers of the Bengal Presidency beyond the western frontiers of the present Uttar Pradesh, as it included a portion of the Punjab. The western frontiers of the Company's Empire now touched the eastern boundary of the Punjab. The territories acquired from the Nawab of Awadh and from the Sindhia were the most populous, fertile and rich parts of India, and the Company now began ruling over them directly. Jaswant Rao Holkar's attempt to dispute the verdict of 1803 by a fresh trial of strength in 1804 came to naught<sup>34</sup> and the districts acquired from the Sindhia remained in the possession of the Company. The terms of the treaty of Sarji Arjungaon were modified by a fresh treaty on November 22, 1805, which recognized the river Chambal as the frontier between the territories of the Sindhia and the Company "from mere considerations of friendship."<sup>35</sup>

(d) *From the Peshwa*

According to the treaty of Bassein (December 31, 1802) the Peshwa had agreed to cede to the Company some territory worth Rs. 26 lakhs for the maintenance of a British force for his protection. A portion of this territory was exchanged in 1803 for a part of the

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<sup>33</sup>Aitchison: *Treaties, Engagements and Sanads*, Vol. V, pp. 384-385.

For history of the Delhi Territory see Percival Spear: *Twilight of the Mughuls*.

<sup>34</sup>Atkinson: *N. W. P. Gazetteer*, Vol. III.

<sup>35</sup>Beveridge: *Comprehensive History of India*, Vol. II, p. 808.

Peshwa's possessions in Bundelkhand, and further grants for the support of the British force were made, amounting in all to over 36 lakhs of rupees. These arrangements were embodied in a supplementary treaty dated December 16, 1803.<sup>36</sup> The territories included parts of Banda, Hamirpur and Jalaun districts. With the amount of British influence on the Peshwa and the acquisition of the above-mentioned territory, "the important province of Bundelkhand had been brought entirely under British influence and partly under British rule."<sup>37</sup> The administration of the ceded Bundelkhand was placed in the hands of a Commission under the supervision of the Board of Revenue at Calcutta.

(e) *From Bharatpur*

After the treaty of Sarji Arjungaon the Holkar attempted to avenge the defeat of the Marathas by invading the British territory but "was totally defeated with great slaughter" at Fatchgarh on November 17, 1804. Lord Lake now thought it proper to chastise his allies, specially the ruler of Bharatpur who had helped the Holkar considerably. Lake made four desperate assaults on the fort of Bharatpur, but all of them were repulsed by the redoubtable Jats. However, on April 10, 1805, the Bharatpur ruler entered into a subsidiary alliance with the English and agreed to pay them rupees twenty lakhs and also to cede a

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<sup>36</sup>Administrative Report of the North-Western Provinces for 1882-1883, pages 30-31; N. W. P. Gazetteer, Vol. I, p. 35.

<sup>37</sup>Oswell: Sketches of the Rulers of India, Vol. III, p. 74.

portion of the modern district of Agra, then his eastern-most frontier.<sup>38</sup>

During the seven years' Governor-Generalship of Wellesley more than three-fourths of the future Agra Presidency or the North-Western Provinces was formed. The territory ceded to the Company by the Indian rulers during his term of office was much more than that. But under the pressure of his aggressive policy, this "rash, ambitious and war-loving" Governor-General had raised the debt of the East India Company from seventeen millions in 1797 to thirty-one millions in 1806, and he was, therefore, recalled by the angry Directors of the Company.<sup>39</sup>

(f) *From the Sikhs*

During the Governor-Generalship of Lord Minto a French invasion of India was feared from Napoleon Bonaparte, and, therefore, the English decided to hunt for allies in the north-western frontier of India in order to protect their Indian Empire from that side. The Governor-General sent missions to all the rulers of the States on and beyond the north-western borders—to Ranjit Singh of the Punjab, to the Amirs of Afghanistan and to the Shah of Persia.

Maharaja Ranjit Singh, the head of the Sukerchukia misl, had united most of the Sikhs and established a

<sup>38</sup>Grant Duff: *History of the Marathas*, Vol. III, p. 398.

<sup>39</sup>His successor Sir George Barlow adopted a non-interfering policy and conciliated the Sindhis and the Holkar by revising and modifying treaties entered into with them in December 1805. The result was a slight diminution of the Bengal Presidency on its western and south-western sides.

powerful kingdom in the Punjab with Lahore as its capital. He brought under his subjugation all the Trans-Satlaj States and undertook three expeditions for the capture of the territory lying between the Satlaj and the Yamuna, that is, the Cis-Satlaj territory. Success was just within his grasp when the Bengal Government intervened.

In the Cis-Satlaj area lived a number of Sikh chiefs known as Malwa or Cis-Satlaj Sikhs of whom the Rajas of Nabha, Jhind, Faridkot and Patiala were the most important. In the course of a general quarrel between Patiala and Nabha, the latter applied to Ranjit Singh for aid. Ranjit was anxious to intervene. He crossed the Satlaj in 1806 and compelled both the Malwa chiefs to accept his suzerainty. Next year he again interfered in the affairs of Patiala and other smaller chiefs and captured some forts of theirs. After this he wrote to Lord Minto claiming all territory west of the Yamuna as belonging to him, except, of course, a few stations garrisoned by the British. The Sikh chiefs of the Cis-Satlaj area on their own account, applied to Charles Metcalfe, then Resident at Delhi, to intervene in the matter and protect the Sikh chiefs. Minto decided to send a mission headed by Metcalfe to the court of Ranjit Singh in order to decide the case amicably. Metcalfe, then aged twenty-four, and Ranjit Singh, then twenty-seven, met each other in December 1808. The Agent sent the Maharaja a severely worded warning through his confidential munshi that the British were serious about taking the Cis-Satlaj States under their protection. His words



convinced Ranjit Singh that the English might use force, and, therefore, he procrastinated and delayed matters. Metcalfe felt disgusted, but meanwhile Ochterlony advanced with an army to the banks of the Satlaj and Minto decided to send some more troops to his aid. Ranjit Singh did not want a war with the English. As he said to Metcalfe, to him (Ranjit Singh) "the delights of the garden of friendship far excelled the delights of a garden of roses."<sup>40</sup> He abandoned his plans of extending his Kingdom beyond the Satlaj and concluded the treaty of Amritsar on April 25, 1809.<sup>41</sup> The chiefs of Sarhind (Cis-Satlaj) were declared to be under the protection of the British, and the British zone of influence and control was extended to Ludhiana on the banks of the Satlaj where a garrison was stationed.

The treaty of Amritsar extended the boundary of the Bengal Presidency up to the Satlaj, that river forming the natural frontier between the British and the Sikh possessions. The area continued to be a part of the Agra and later the North-Western Provinces till the formation of the Punjab as a separate province in 1849 when these States and the Delhi Territory and all areas west of the Yamuna were transferred to the new Punjab province.

(g) *From Nepal*

A very substantial portion of the territory of the North-Western Provinces came as a cession from our

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<sup>40</sup>J. W. Kaye: *Life and Correspondence of Metcalfe*, Vol. I, p. 306.

<sup>41</sup>Beveridge: *Comprehensive History of India*, Vol. II, p. 831.

northern neighbour Nepal which under the aspiring Gurkha rule subdued "all the highlands and valleys on the southern slopes of the Himalayas over-looking Bengal and.....along the mountain ranges above Awadh, Robilkhand.....up to the confines of the Punjab,"<sup>42</sup> and thus came into conflict with the East India Company. They began adding to their State large slices of land in the plains. The process was slow, and, according to Marshman, during the twenty-five years preceding the Gurkha war, the Nepalis had absorbed something about two hundred villages of the East India Company.<sup>43</sup> When Lord Hastings came to India, the Gurkhas were "then in actual possession of the whole country which skirts the northern frontier of Hindustan."<sup>44</sup> They made frequent inroads into the British border districts,<sup>45</sup> and in May 1814 attacked the police station of Butwal, north of Basti. This led to the famous Anglo-Nepalese War of 1814-1816 in which after some notable initial successes the Gurkhas were finally defeated.<sup>46</sup> In May 1815 they made overtures for peace, but the negotiations failed on the Governor-General's exorbitant demands, specially that

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<sup>42</sup>Marshman: *History of India*, Vol. II, p. 286; H. C. Ray: *Dynastic History of Northern India*, Chapter IV; Lyall: *Rise and Expansion of British Dominion in India* p. 294.

<sup>43</sup>Marshman: *History of India*, Vol. II, p. 287. Prinsep: *History of the Political and Military Transactions during the Administration of the Marquess of Hastings*, Vol. I, p. 78.

<sup>44</sup>Prinsep: *History of....Marquess of Hastings*, Vol. I, p. 55.

<sup>45</sup>Prinsep: *op. cit.*, Vol. I, p. 78; Marshman: *op. cit.*, Vol. II, p. 287.

<sup>46</sup>Prinsep: *op. cit.*, Vol. I, pp. 160-175.

of having a Resident at Kathmandu. However, the treaty of Sagauli was signed on November 28, 1815. It was ratified only after Ochterlony again defeated the Gurkhas on February 28, 1816, at Makwanpur within a striking distance from Kathmandu. The Nepali War closed on March 5, 1816, when the treaty of Sagauli was ratified by the Gurkhas.<sup>47</sup>

As a result of the Anglo-Nepalese War and the defeat of the Gurkhas, Nepal ceded to the British the hill districts of Garhwal, Kumaon and Dehra Dun, and a long strip of territory along the lower Himalayas with most of the adjacent forest-lands extending from the eastern border of the present Nepal up to the Satlaj on the north-west. A British Resident was also accepted at Kathmandu, and the Gurkhas withdrew from Sikkim which came under British protection. Thus by the Nepal War, the northern and north-western frontier of the North-Western Provinces extended up to the Himalayas and gave it a natural frontier on that side. The British also secured the principal hill stations like Simla (now in the Punjab) Mussoorie, Almora, Ranikhet, Landour and Naini Tal besides Dehra Dun.

*(h) From the Bhonsle of Nagpur*

The third Anglo-Maratha War brought a further cession of territory to the North-Western Provinces. Since Wellesley had reduced the Peshwa to the status of a semi-independent vassal of the Company, the Maratha chiefs were dissatisfied and were brooding

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<sup>47</sup>Prinsep: op. cit., Appendix C.

over the loss of their freedom. Lord Hastings' provocation, as Sir John Malcolm admits frankly,<sup>43</sup> drove the Peshwa to the expedient of an ill-advised attack on the Residency at Poona and the British Camp at Kirki, four miles north-west of the city, in November 1817. Peshwa Baji Rao II was assisted by Appa Sahib, a cousin of Parsoji, the imbecile ruler of Nagpur, but both of them were defeated and compelled to submit. Appa Sahib was deposed, a large area of his territory north of the Narbada river was confiscated by the Company and the minor grandson of Raghuji Bhonsle II took his place in the now-much-reduced Nagpur State.<sup>44</sup> The territory captured from the Bhonsle ruler was given the name of Saugor and Narbada Territories. This annexation marked out the southern boundary of the North-Western Provinces. The territory was in the south and south-west of Bundelkhand and included Saugor and Asirgarh, and was surrounded by Bhopal and Khandesh on the west, Barar and Bhonsle Nagpur in the south, and Chhota Nagpur in the east. To the north was the British territory of Bundelkhand.

(i) *From Bharatpur again*

In 1825-26 during the Governor-Generalship of Lord Amherst, Durjan Sal, a cousin of the minor

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<sup>43</sup>Wrote Malcolm: "We surely cannot expect all the world to dismount their guns whilst our own are loaded and primed and the portfire is burning in our hands." J. W. Kaye: *Life of Sir John Malcolm*, Vol. II, pp. 189-190.

<sup>44</sup>Malcolm: *Political History of India*, Vol. I, p. 465; Mehta: *Lord Hastings and the Indian States*, p. 31.

ruler of Bharatpur, attempted to seize the throne. The Bengal Government intervened on behalf of the minor ruler, and under the command of Lord Combermere Bharatpur fort was attacked. Combermere successfully reduced the fort of Bharatpur and the pargana of Govardhan was acquired for the North-Western Provinces in 1826 which was added to the Agra district.<sup>50</sup>

#### ACQUISITIONS BY THE DOCTRINE OF LAPSE

##### (a) *Jalaun*

Nana Govind Rao of Jalaun had joined Shamsheer Bahadur against the British during the second Anglo-Maratha War and his territories were occupied by Lord Wellesley in 1804. On his submission, however, in 1806, these were restored to him. Govind Rao died in 1822 and was succeeded by Bala Rao Govind, who also died in 1832 without leaving any male issue. His widow Lakshmi Bai adopted her brother Rao Govind Rao who proved an incompetent ruler, with the result that the revenue of the State was reduced to one-fourth of what it was in 1803. In 1838, therefore, the English appointed a British Superintendent to take charge of the State. On Rao Govind Rao's death without an heir in 1840 the State of Jalaun lapsed to the British Government under what was subsequently elevated into a principle by Lord Dalhousie. Jalaun now became a British district and a part of the North-Western Provinces. The sister

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<sup>50</sup>N. W. P. Board of Revenue Proceedings, No. 1 of July 21, 1828.

of Balaji Govind Rao, named Bala Bai, married one Bala Saheb and their infant son was set up in 1837 by Tantia Tope as the chief of Jalaun during the Great Revolt.<sup>51</sup>

(b) *Lalitpur*

As a result of the treaty of 1844 between the East India Company and the Sindhia after the battle of Maharajpur on December 29, 1843, the Sindhia's share of the Chanderi area, that is, the parganas of Madhogarh, Indurki and Duboh came under British possession and were placed under a Deputy Superintendent. The Chanderi area thus became the modern district of Lalitpur of the North-Western Provinces.

(c) *Jaitpur*

In 1849 the Raja of the Jaitpur State in Bundelkhand died without any male heir and his State thus lapsed to the East India Company and was included in the Bengal Presidency.

(d) *Jhansi*

Shiva Rao Bhau succeeded to the Jhansi State on the death of his brother Raghunath Rao Hari in 1794. Though nominally under the Peshwa, he was promised British protection by a sanad dated February 3, 1804, and the promise was confirmed by a treaty between the two signed in October 1806.<sup>52</sup> Shiva Rao Bhau

<sup>51</sup> Atkinson: North-Western Provinces Gazetteer, Volume I.

<sup>52</sup> Aitchison: Treaties, Engagements and Sanads, Vol. III, pp. 151 and 159.

was succeeded in 1814 by his grandson Ram Chand Rao. As the treaty of June 1817 had given the East India Company possession over Bundelkhand, a new treaty with Ram Chand Rao was concluded on November 18, 1817, accepting him as a hereditary ruler. In 1832 Rao Ram Chand assumed the title of Raja. He was, however, a weak ruler and the administration became inefficient with the result that loot, plunder and disorder became common throughout his State. He died without issue on August 20, 1835, and after a contest for the throne was succeeded by Raghunath Rao, son of Shiva Rao Bhau. The new Raja, too, died without an heir in 1836 and there was a dispute over the succession. The Governor-General's Agent in Bundelkhand took over the administration and a Commission was appointed to investigate the claims of the four claimants to the throne. This Commission accepted the rights of Gangadhar Rao, the brother of Raghunath Rao, the last male successor of Shiva Rao Bhau with whom the Company had entered into the first treaty. But Gangadhar was not given full rights; the administration was taken over by a Superintendent appointed by the Governor-General. Gangadhar Rao was given a fixed allowance up to 1842 when he was given administrative rights also. He took interest in the administration of his State. But in November, 1853, Gangadhar passed away without any issue and, therefore, the State of Jhansi again lapsed to the East India Company. Lord Dalhousie completed its annexation. Lakshmi Bai, the widow of Gangadhar Rao, was granted a pension

of Rs. 5,000 a month.<sup>53</sup> She took a prominent part in the Revolt of 1857, and her State comprising the parganas of Jhansi, Pachor, Karehra, Mau, Bijaigath and Pandwaha was taken from her.

This was the last annexation made to the Bengal Presidency and the North-Western Provinces according to the Doctrine of Lapse.

#### ANNEXATION DUE TO MIS-GOVERNMENT

The final annexation for the formation of the North-Western Provinces was made by Dalhousie in February 1856, when Wajid Ali Shah, who according to Irwin was "perhaps the most despicable of his time"<sup>54</sup>, was the ruler of Awadh. Wajid Ali Shah was greatly responsible for the mis-government in Awadh, the neighbouring State in which robbers and highwaymen sought refuge after plunder when pursued by the police of the North-Western Provinces.<sup>55</sup> He was asked many a time to improve the administration of his Kingdom, but he paid little attention to the warnings. Finally on February 13, 1856, he was asked to sign a treaty whereby "the sole and exclusive administration of the civil and military Government of the territories of Oudh shall be henceforth vested, for ever, in the Honourable East India Company, together with the full and exclusive rights of the revenue thereof".<sup>56</sup>

<sup>53</sup>N. W. P. Gazetteer, Vol. I, p. 298.

<sup>54</sup>Irwin: *Garden of India*, p. 135.

<sup>55</sup>See Chapter VIII on Police and Prisons.

<sup>56</sup>Aitchison: *Treaties, Engagements and Sanads*, Vol. II.



For nearly twenty-one years (1856-1877) Awadh was maintained as a separate Chief Commissionership and was administered as a Non-Regulation area.<sup>57</sup> In January 1877 it was amalgamated with the North-Western Provinces with a Lieutenant-Governor at the head of the united province.<sup>58</sup> This new province was given the name of the United Provinces of Agra and Awadh when the North-West Frontier Province was created on the northern frontier of India in 1901 by Lord Curzon.

It may be mentioned here that Awadh remained separate from the North-Western Provinces throughout the period of our study.

#### CONCLUSION

In the foregoing paragraphs a connected account has been given of the various parts of the territories that made up the North-Western Provinces. It should not, however, be supposed that the entire area was always under the Government of the North-Western Provinces. When the Governors-General found that the area of the North-Western Provinces was becoming unmanageable or that the people of certain culture-group could not fit in properly in the general life of the province or when administratively some area was out of joint, they made changes in the boundary and area of the province.

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<sup>57</sup>Irwin: *Garden of India*, p. 23.

<sup>58</sup>Administrative Report of the North-Western Provinces for 1882-1883, p. 34; Irwin: *op. cit.*, p. 23.

The Trans-Satlaj Sikh States between the Satlaj and the Beas rivers were placed under a Commissioner directly subordinate to the Government of India in 1846. Subsequently, the Commissioner was placed under the Resident at Lahore. In 1849, when the new province of the Punjab was created on some further conquests, the Trans-Satlaj and the Cis-Satlaj States were absorbed in it.<sup>59</sup>

The Delhi Territory, that is, the territory west of the Yamuna was transferred to the newly created Punjab province in 1858.<sup>60</sup>

The Saugor and Narbada Territories and Bundelkhand were a part of the Agra Presidency and remained in the North-Western Provinces under the Lieutenant-Governorship of Metcalfe, as Metcalfe had demanded special powers on his appointment to this post. When the Governor-General took over from Metcalfe this arrangement continued. After the relinquishment of the North-Western Provinces by Lord Auckland, the Saugor and Narbada Territories and Bundelkhand, however, remained in the charge of the Governor-General. The arrangement was confirmed specifically on the appointment of James Thomson as Lieutenant-Governor when Davidson informed him: "The limits of North-Western Provinces will

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<sup>59</sup>Administrative Report of the Punjab for 1911-1912, pp. 7-8.

<sup>60</sup>Administrative Report of the N. W. Provinces, 1882-83, p. 34; Administrative Report of the Punjab, 1911-1912, p. 20; Baden-Powell: Land Systems of British India, Vol. III, p. 346.

remain as they are now fixed, the affairs of the Saugor and Narbada Territories and the province of Bundelkhand being administered directly by the Government of India".<sup>61</sup> The Lieutenant-Governor did not claim any control; rather "Oude, the Saugor and Narbada Territories. . . he considers to be beyond his sphere".<sup>62</sup> The territory was formally separated from the province in 1861 when the Central Provinces was created under a Commissioner.<sup>63</sup>

The North-Western Provinces of the Pre-Mutiny days has been described very graphically by Thornton in the following words :

"The North-Western Provinces lie between latitude 23.5, the extreme southerly point and latitude 30.26, the extreme northerly point ; longitude 75.20, the extreme western point and 84.4, the extreme eastern point. . . . The North-Western Provinces proper are bounded on the north by Sarhind, Dehra Dun, Kumaon, and Nepal ; on the east by Nepal, Awadh, and the Lower Provinces of Bengal ; on the south by the Lower Provinces of Bengal and the native State of Rewa ; and on the south-west by Bundelkhand, the Sindhia's territory and Rajputana,....."<sup>64</sup> The Non-Regulation districts under the supervision of the

<sup>61</sup>Davidson No. 237 dated October 30, 1843 to Thomason, vide Home, Public Proceedings, No. 7 of October 30, 1843.

<sup>62</sup>Thornton to Grey No. 275, vide Home, Public Proceedings, No. 55 of April 26, 1850.

<sup>63</sup>Administrative Report of the Central Provinces for 1911-1912, p. 11; Baden-Powell: op. cit., Vol. I, p. 36.

<sup>64</sup>Thornton: A Gazetteer of the Territories under the Govt. of the East India Company, Vol. III, p. 748.

Government of the North-Western Provinces were Saugor and Narbada Territories for some time, Bhatti Territory including the Watu pargana of Koti Kasim, Jaunsar and Bawar, Dehra Dun including Garhwal, and Ajmer and Nimar. If these areas were included in the Lieutenant-Governor's charge, "the boundaries will extend from latitude 21.17 to latitude 31.6 and from longitude 73.2 to longitude 84.4."<sup>66</sup> As Awadh was outside the province up to the Great Revolt, the North-Western Provinces territory formed what 'A District Officer' called "an irregular crescent,"<sup>67</sup> the Kingdom of Awadh lying in the mid-centre or in the hollow of the crescent.

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<sup>66</sup>Thornton: *Ibid*, p. 746.

<sup>67</sup>Notes on the North-Western Provinces of India by 'A District Officer' p. 2.

## CHAPTER IV

### THE PRESIDENCY OF AGRA, 1834-1836

With the gradual extension of the East India Company's possessions in India, the different parts of the far-flung Empire were becoming more and more distant from the headquarters of the Governor-General-in-Council sitting at Calcutta. The different parts of the Empire were more distant from one another than ever before, and the exchange of information and papers took a long time, while control and supervision from distant Calcutta had become very weak and inefficient, if not impossible. The Government also found itself unable to cope with the volume of work on their hands. Those were the days of which Bishop Heber complained "there are no roads at all, and the tracks which we follow are often such as to require care even on horse-back".<sup>1</sup> The Governor-General, under whose direct administration these territories (practically the whole of the modern Uttar Pradesh *minus* Awadh) were up to this time, could visit the Upper Provinces (as they were then called) but rarely and after long intervals; and on those occasions the work at Calcutta in the Lower Provinces had to be delegated to the Vice-President-in-Council, while many experienced public servants, specially the Secretaries to Government in Secret, Political and Foreign departments, and the Persian Secretary accompanied the

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<sup>1</sup>Bishop Heber: *Narrative of a Journey Through the Upper Provinces of India*, pp. 192 and 227.

Governor-General on tour.<sup>2</sup> On account of these difficulties the Governor-General had very often to delegate his authority to his subordinates.<sup>3</sup> The over-grown Presidency of Bengal spread from the banks of the Satlaj river on the west to Calcutta and even further in the east. Naturally such a vast territory was unmanageable. The advantage of some presiding or high authority in the Upper Provinces was fully acknowledged on all hands and by the people of all shades of opinion.

The vision of the formation of a separate administrative unit for the Upper Provinces apparently originated with one Mr Stuart, "a gentleman of very remarkable talent" who recommended as early as 1808 that the Upper Provinces "should be formed into a separate Presidency."<sup>4</sup> The reasons given by him were the increase of population, the extension of the territory, the necessity of local inspection and control along with "the peculiar character of the provinces and their people", the distance from Calcutta, the peculiar climate and the high tone of the character of the people of the Upper Provinces. The most important reason, however, was the deficiency of proper control over local matters. Mr. Stuart predicted many evils which could arise if nothing was

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<sup>2</sup>National Archives of India, Home Department, Public Proceedings, Bodysheet of May 27, 1814; Home, Public Proceedings, No. 38 of June 3, 1814.

<sup>3</sup>Thompson: *Life of Charles, Lord Metcalfe*, p. 252.

<sup>4</sup>Earl of Ripon in the House of Lords on July 5, 1833, "ide *The Mirror of Parliament for 1833*, Volume III, p. 2780.

done for the efficient administration and control of these parts.<sup>5</sup> Other persons who made a mild suggestion to this effect in 180 were the two Commissioners, Messrs R. W. Cox and Henry St. George Tucker.<sup>6</sup> They suggested the creation of "a very high official authority" in this part of the East India Company's Empire. The soldier-statesman John Malcolm had the same idea in view when he wrote to Sir Charles Metcalfe in a letter dated February 19, 1820: "I may leave you a Governor-General's Agent or Commissioner (in Central India), but depend upon it that ere long you will be a Lieutenant-Governor."<sup>7</sup> These are changes which will force themselves; I shall give Adam (Sir Frederick Adam, the Governor of Madras) my sentiments confidentially on this point".<sup>8</sup> Malcolm had the idea of forming "a new administration for Central-India" (meaning thereby the Upper Provinces or Central Hindustan), and hence this letter. But, for some time this proposal was shelved by the Government of India as also by the Court of Directors. The question was revived in 1829, and the division of the big and unmanageable Bengal Presidency was strongly

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<sup>5</sup>Charles Grant in the House of Commons on July 10, 1833, vide *The Mirror of Parliament for 1833*, Vol. III, p. 2924.

<sup>6</sup>Auckland's letter to Charles Metcalfe dated March 17, 1836, vide J. W. Kaye: *Life and Correspondence of Charles, Lord Metcalfe*, Volume II, p. 294.

<sup>7</sup>It is worth noting in this connection that so far there were only the Governor-General and the two Governors of the Presidencies of Bombay and Madras. No Lieutenant-Governorship had been created so far.

<sup>8</sup>J. W. Kaye: *Life and Correspondence of Charles Lord Metcalfe*, Volume I, pp. 484-485.

recommended by the Finance Committee consisting of Messrs Holt Mackenzie, David Hill and Bax.<sup>9</sup> It was generally admitted that such a measure would improve "the efficiency of administration", but objection was raised "on the ground of expense, and much difference of opinion prevailed upon the amount of patronage and of control over the most important of our political relations which could be delegated to the newly created office".<sup>10</sup> From 1830 onwards most of the statesmen in India as also in Britain had veered round the opinion of Malcolm, Cox, Mackenzie, Hill and others, and felt that it had become necessary to divide the duties, if not the responsibilities, powers and prerogatives, of the Governor-General-in-Council.

Lord William Bentinck, the Governor-General, in a Minute dated September 14, 1831, expressed the opinion that the local details pressed so much upon the time and energy of the Governor-General and his Council that the Supreme Government was precluded from the performance of its higher and more important functions and duties of greater responsibility. He put forward two suggestions in order to improve the efficiency of the Government; first, that the Supreme Government be divested of all of its local duties and that its functions be confined purely to the work of supervision; second, that the seat of the Government of India be shifted from the

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<sup>9</sup>Lord Auckland's letter to Metcalfe dated March 17, 1836, vide Kaye: *Life and Correspondence of Charles Lord Metcalfe*, Vol. II, pp. 294-295.

<sup>10</sup>Lord Auckland's letter to Metcalfe, *op. cit.*, pp. *Ibid.*



Lower Provinces to the Upper Provinces. He suggested Allahabad as the capital of the Supreme Government, a town which was also the headquarters of the Commander-in-Chief. The Governor-General suggested that in order to look after the administration of the Lower Provinces there should be the Vice-President in-Council living at Calcutta and superintending revenue and judicial administration.<sup>11</sup> Thus Bentinck envisaged the distribution of duties. He agreed to it only because the prediction of Stuart made in 1808 was being realized in the administration, and the condition of the Upper Provinces had become "highly discreditable to the Government..... They have been subjected to every specie of misrule....."<sup>12</sup> In fact, Bentinck was opposed to the division of territories and the division of duties, but he was compelled by circumstances to record the Minute mentioned above.

The same opinion of the unwieldiness of the Upper Provinces was expressed by Charles Grant in the House of Commons while introducing the Charter Bill of 1833. He said that "in consequence of the great change of circumstances which have taken place<sup>13</sup> it is impossible that the Government of Bengal can exercise proper jurisdiction and attention over the

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<sup>11</sup>Indian Constitutional Documents, edited by A. C. Banerji, Volume I, pp. 188-191.

<sup>12</sup>Charles Grant in the House of Commons on July 19, 1833, vide *The Mirror of Parliament for 1833*, Vol. III, p. 2924.

<sup>13</sup>The change to which Charles Grant referred was brought about by the acquisition of the vast territories of the Indian continent by the East India Company, most of the northern portion of which was attached to the Upper Provinces of the Bengal Presidency.

Western Provinces of Upper India". The main reasons for his remarks, as he said, were the vast area of the new territories, unsettled state of those areas, and the war-like people living in those parts who required marked attention on the part of the Government. He concluded: ".....it is impossible to do justice to the public services unless a separate Presidency be established for the Western Provinces with a Governor over it".<sup>14</sup> The Court of Directors ultimately recommended that a Lieutenant-Governorship be created for the Upper Provinces. But the British Parliament thought otherwise and did not agree with the modest proposal of the Directors. It was now in favour of a new Presidency for Agra.

The Charter Bill of 1833<sup>15</sup> was introduced in the House of Commons by Charles Grant in June 1833; soon afterwards he fell ill and Macaulay, the Secretary to the Board of Control, took over the proceedings and piloted the Bill. The Parliament, however, took little interest in it and the attendance in the House of Commons rarely exceeded one hundred and fifty members at a sitting; and the same was the case in the House of Lords. The Bill was passed clause by clause without adequate discussion.<sup>16</sup> When the question of the division of the Bengal Presidency came up before the House, some opposition was made to it,

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<sup>14</sup>Charles Grant in the House of Commons on June 13, 1833, vide *The Mirror of Parliament for 1833*, Vol. III, p. 2296.

<sup>15</sup>For the text of the Bill see *Parliamentary Papers, House of Commons, 1833, Public Bills, Volume II*.

<sup>16</sup>C. H. Philips: *The East India Company*, pp. 287-294.

while one useful amendment was tabled by Sir Henry Verney. He moved "that the Governor-General be the Governor of the whole province of Bengal and that there be named two Lieutenant-Governors to carry on the details of administration".<sup>17</sup> According to him the duties of the Governor-General ought to have been to maintain general supervision and control over the two Lieutenant-Governors at Agra and Calcutta, a suggestion which was rejected in 1833, but materialized in 1853. Messrs C. Wynn and Hume and Colonel Evans supported the Bill in the House of Commons. In the House of Lords, Lansdowne moved the Bill and the Earl of Ripon concluded with the remark that "there should be a firm, steady local Government there" in the Upper Provinces. "They may be considered as the bulwark of our eastern empire—the only point whence that empire may be successfully assailed—it is, therefore, necessary to defend them well."<sup>18</sup>

The Bill was finally passed into an Act by the British Parliament on Monday, August 19, 1833, and it received the royal assent on August 28, 1833. It was ranked in the Statute Book as 3 and 4 William IV c. 85. The Act was to come into force from April 22, 1834 and to expire on April 30, 1854.

The Charter Act of 1833 introduced vital changes in the Government of India, its administration, its

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<sup>17</sup>Sir Henry Verney in the House of Commons on July 10, 1833, vide *The Mirror of Parliament for 1833*, Volume III, p. 2925.

<sup>18</sup>Earl of Ripon in House of Lords, vide *the Mirror of Parliament for 1833*, Volume III, p. 2780.

personnel, its policies and its subsidiary Governments. The running of a Government and carrying on trade were acknowledged as incompatible by the Act of 1833<sup>19</sup>.

The Act divided the Presidency of Bengal into two—one called the Presidency of Fort William in Bengal and the other called the Presidency of Agra<sup>20</sup>. The territorial limits of the two Presidencies were fixed by dividing the Bengal Presidency in such a way as to leave to the Presidency of Fort William "all that territory usually denominated the Lower Provinces and any other territory east of Allahabad . . .", while the Agra Presidency was "to comprehend the remainder, including Allahabad, Gorakhpur and the Ceded Districts on the Nerbuda"<sup>21</sup>. Thus the new Presidency of Agra was to comprise the Doab, Rohilkhand, Gorakhpur, Allahabad and Jabalpur. Banaras division was included in the Presidency of Fort William.

The Charter Act laid it down that the Government of each Presidency should be administered by a Governor and three Councillors, to be styled as the Governor-in-Council of that Presidency<sup>22</sup>. But the

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<sup>19</sup>MacCulloch, a contemporary writer, wrote: "A Company that maintained armies and retailed tea, that carried a sword in one hand and a ledger in the other, was a contradiction, and had she traded with success would have been a prodigy." MacCulloch: *Dictionary of Commerce*, p. 535.

<sup>20</sup>Act 3 & 4 William IV Cap. 85 of 1833, section 38.

<sup>21</sup>Despatch from the Court of Directors to the Government of India, dated December 27, 1833, No. 18 (Political).

<sup>22</sup>Act 3 & 4 William IV Cap. 85 of 1833, section 56.

ultimate abolition of the Council in the separate Presidencies was contemplated<sup>23</sup>, and it was, therefore, provided "that it shall and may be lawful for the said Court of Directors, under such control as is by this Act provided, to revoke or suspend, so often for such periods as the said Court shall in that behalf direct, in the appointment of Councils in all or any of the said Presidencies, or to reduce the number of Councillors in all or any of the said Councils, and during such time as a Council shall not be appointed in any such Presidency, the Executive Government thereof shall be administered by a Governor alone<sup>24</sup>." In so far as the Agra Presidency was concerned, this Council was never appointed. The Governors of the three Presidencies, said the Act, "shall be bound to obey such orders and instructions" as will be issued by the Governor-General, and that they will be controlled and superintended by the same authority<sup>25</sup>. The Presidency Governors were, however, allowed to suggest draft laws and regulations which they thought essential for the proper functioning of the Government in their jurisdictions<sup>26</sup>. The Governor was required regularly to transmit to the Governor-General-in-Council true copies of all orders and acts of his Government for the information and record of the Supreme Government<sup>27</sup>. The salary of the

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<sup>23</sup>Beveridge: *Comprehensive History of India*, Vol. III, p. 244.

<sup>24</sup>Act 3 & 4 William IV Cap. 85 of 1833, section 57.

<sup>25</sup>Act 3 & 4 William IV Cap. 85 of 1833, section 65.

<sup>26</sup>Act 3 & 4 William IV Cap. 85 of 1833, section 66.

<sup>27</sup>Act 3 & 4 William IV Cap. 85 of 1833, section 68.

Governor of the Agra Presidency was fixed at Rs. 1,20,000 per year, while that of each of the members of his Council (who were never appointed) was to be Rs. 60,000 per year<sup>28</sup>. They were debarred from accepting any gift, donation, gratuity or present from any body besides the pay allotted to them. The servants of the East India Company, from top to bottom, were debarred from carrying on private trade. For the equipment and passage from England to India each Governor was to be paid £ 2,500<sup>29</sup>. The new position and the powers assigned to the Supreme Government and the Presidency Governments were explained by the Court of Directors in two of their Despatches<sup>30</sup> to the Government of India.

As soon as the new Presidency of Agra was created, the question of the appointment of a suitable person as its Governor assumed great importance. On November 20, 1833, in the full Court of Directors, Sir Charles Metcalfe, then Vice-President in the Governor-General's Council, was unanimously appointed Governor of the Agra Presidency, and the British cabinet confirmed his appointment. Accordingly, an announcement was made by the Court of Directors on December 27, 1833, appointing him Governor of the Agra Presidency, the appointment to take effect from

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<sup>28</sup>Act 3 & 4 William IV Cap. 85 of 1833, section 76.

When the Act was enforced, however, the Governor of the Agra Presidency administered the province without a Council.

<sup>29</sup>Act 3 & 4 William IV Cap. 85 of 1833, section 76.

<sup>30</sup>Despatch from the Court of Directors to the Government of India, dated December 27, 1833, No. 18 (Political) and Despatch dated December 10, 1834, No. 44 (Public).

April 22, 1834. The same day, by another proclamation, the Court of Directors appointed Messrs William Blunt, Alexander Ross, William B. Martin and Thomas Babington Macaulay to be the first, second, third and fourth members of the Governor-General's Council from April 22, 1834.

Metcalf, however, felt his "removal from the Supreme Council to the Government at Agra like a descent."<sup>31</sup> A month later he was nominated by the Court also as the Provisional Governor-General of India as a successor to Lord William Bentinck in case of the latter's illness or death. Metcalf was now satisfied and thanked the Court for this provisional appointment. In the same connection he made a suggestion for the abolition of the Council of the Agra Presidency provided for in the Act of 1833. He wrote to the Court of Directors on May 11, 1834: "With respect to a Council at Agra, so long as you have a Company's servant who may have presumed to have local experience, you will, I conceive, be better without a Council. When you appoint a stranger to the Government, you may require a Council for aid as well as a check. At present it is desirable to avoid the expense".<sup>32</sup> This suggestion was accepted by the Court.

Due to the campaign against Coorg and his subsequent illness—paroxysms of giddiness—in the

<sup>31</sup>Metcalf's letter to Henry St. George Tucker, Deputy Chairman of the Court of Directors, vide *Kaye: Life and Correspondence of Charles Lord Metcalf*, Volume II, p. 212.

<sup>32</sup>Metcalf's letter to Henry St. George Tucker, vide *Kaye: Life and Correspondence of Charles Lord Metcalf*, Vol. II, p. 212.

beginning of 1834 Bentinck had gone to the Nilgiri Hills at Ootacamund with a view to regaining his health, and there he was detained for an unexpectedly long time. He left Calcutta for the Nilgiris on February 3, 1834, and could return only in November 1834. Metcalfe was, therefore, again appointed Vice-President-in-Council at Calcutta, being the senior member of that body. Now, this occurred at a very critical time which made the situation very embarrassing. The old Charter of the Company was on its last legs and the new Charter was to come into operation from April 22, 1834. This was really unfortunate, as many important changes had to be made in the existing Government of India in accordance with the new Act, but all that could not be done and the Act could not be enforced due to the absence of the Governor-General in the south. Bentinck had, therefore, to devise a make-shift arrangement at Ootacamund. He called a Provisional Council consisting of Colonel Morison and Messrs Macaulay and Ironside. Sir Frederick Adam, the Governor of Madras, joined them as a temporary member of the Council. This Provisional Council issued a proclamation announcing its formation on June 16, 1834, and requested Metcalfe to continue the routine conduct of the Government of India at Calcutta as Vice-President so long as Bentinck was away from the capital. The proclamation read: "Whereas it is impracticable to carry into immediate execution all the preliminary measures that shall be necessary before the duties of the Government of Agra can be entered upon, or to adopt, without previous



inquiry and mature deliberations, the different official and legislative proceedings which the separation of the two Governments require, and whereas, for the aforesaid reasons, it is not expedient that the Hon'ble Sir Charles Metcalfe should assume the Government of Agra before the return of the Governor-General and the Council to Calcutta, the Governor-General-in-Council, therefore, has been pleased to resolve, and it is hereby notified accordingly, that the administration of the Presidency of Bengal, as hereto-fore constituted, shall in the meantime continue to be carried by the Hon'ble the Vice-President-in-Council".<sup>33</sup>

In the normal course of events Sir Charles Metcalfe would have taken over the Agra Government and given up his seat in the Governor-General's Council on April 22, 1834. Obviously, the declaration of Bentinck's Provisional Council dated June 16, 1834, was illegal, for after April 22 there was no Supreme Government in India and the formation of the Agra Presidency was a legal necessity which the Governor-General was not empowered to withhold or postpone. Ten days after Bentinck's declaration, Metcalfe wrote to Henry St. George Tucker: "I fear that several things in this arrangement are illegal",<sup>34</sup> and Blunt, another member of the Supreme Council, joined him in this criticism of Bentinck's arrangements.<sup>35</sup> Metcalfe

<sup>33</sup>Kaye: *Life and Correspondence of Charles Lord Metcalfe*, Volume II, p. 216; Beveridge: *Comprehensive History of India*, Vol. III, p. 247.

<sup>34</sup>Beveridge: *Comprehensive History of India*, Vol. III, p. 248.

<sup>35</sup>Home, *Political Proceedings*, Consultation No. 3 of May 8, 1834.

criticized the unconstitutional Council appointed by Bentinck at Ootacamund and called it a 'misnomer'.<sup>36</sup> The Governor-General returned to Calcutta on November 14, 1834, and up to that time Metcalfe could not take over his new assignment at Agra and remained at Calcutta.

In order to wipe out the stigma of illegality of his acts during the period April 22 and November 14, 1834, the Governor-General-in-Council passed a resolution on November 20, which read: "Be it enacted that all acts done by the Governor-General of India in Council or by the Vice-President of Fort William in Bengal in Council.....between the 22nd of April 1834 and the 14th of November 1844, shall be valid and effectual, to all intents and purpose, as if the said acts had been done before the said April 22, 1834."<sup>37</sup> The British Parliament also indemnified the Governor-General by an special Act to this effect.

Meanwhile the relations between Bentinck and Metcalfe seem to have deteriorated over the question of the Agra Presidency and the powers, privileges and initiative of the Governor of the proposed Agra Presidency. Bentinck did not want to part with power and patronage and, therefore, even when the Charter Act of 1833 was being discussed he had not favoured the formation of a separate Government at Agra, though he had made a "solemn declaration" "that he

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<sup>36</sup>Home, Political Consultation No. 3 of May 8, 1834.

<sup>37</sup>Beveridge: Comprehensive History of India, Vol. III, p. 2

fountd the administration of the Upper Provinces fundamentally ineffective, exhibiting a want of energy in the Government and a want of happiness in the people.....There is that peculiarity in the character of those provinces that requires they should be dealt with by a Government more prompt, more energetic and more able to enforce its decrees and determinations than any other provinces whatever...."<sup>38</sup> Bentinck was from the beginning opposed to the division of the Bengal Presidency, despite the concurrence of the opinions of the Councillors Messrs Bayley and Metcalfe in its favour.<sup>39</sup> The remarks of Metcalfe about the Council at Ootacamund also incensed him, as they were not palatable to the Governor-General. That was why he decided to interfere in the work of the Agra Government and to cut down to the minimum the powers and prerogatives of the Governor of that Presidency. In matters of political relations with the neighbouring independent States "with whom we have the most important political relations" the Governor-General decided that the Supreme Government "could not delegate to another authority any portion of the responsibility which attaches to the exercise of these important duties."<sup>40</sup> The Governor-General-in-Council

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<sup>38</sup>Marquis of Lansdowne in the House of Lords on August 5, 1833, vide *The Mirror of Parliament* for 1833, Vol. III, pp. 3533 and 3540.

<sup>39</sup>Governor-General's Minute of September 14, 1831, vide A. C. Banerji: *Indian Constitutional Documents*, Vol. I, p. 189.

<sup>40</sup>Letter from the Governor-General to the Court of Directors dated Ootacamund August 11, 1834, No. 11 (Political).

further wrote: "We feel that to divest the Agra Governor of all political authority is in some measure to detract from his official consequence, yet we are of the opinion that this is a minor evil in comparison with that which should be experienced by the interposition between us and the confidential representatives of the Governor-General of a functionary who is not appointed by us....." It was suggested, therefore, that the Governor of the Agra Presidency "should be confined to duties of internal administration."<sup>41</sup> It was also decided that the capital of the new Presidency be located at Allahabad, against the wishes of Metcalfe who wanted some more western town like Agra. Edward Thompson seems to have hit right on the point: "possibly smarting under his subordinate's recent frankness of criticism of his pseudo-Council, (Bentinck) sent him a letter of instruction which dictated the personnel of his staff."<sup>42</sup> At the same time the Governor-General had "very serious objections" to the principle of separation of the civil services of the two Presidencies which would "transfer to a subordinate officer one-half of the civil patronage and it would, so far as the general interests are concerned, make a separation and division where there now exists the closest union and connection as regarding the agency by which the whole is to be governed".<sup>43</sup> Hence

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<sup>41</sup>Letter from the Governor-General to the Court of Directors, August 11, 1834, No. 11 (Political).

<sup>42</sup>Thompson: *Life of Charles, Lord Metcalfe*, p. 309.

<sup>43</sup>Letter from the Governor-General to the Court of Directors, dated Ootacamund, August 11, 1834, No. 11 (Political).

it was that he appointed the different officers of the new Presidency himself. Metcalfe resented the imposition of the Secretary to the Agra Government by the Governor-General, as also the appointment of other high officials against his wishes and without his consent. In a letter written on August 30, 1834, he remonstrated against the Governor-General. "By the results of your deliberations", he wrote, "I feel unqualified annoyance. Whatever pride or pleasure I had in the prospect of the Agra Government has been completely destroyed. You have turned the Governor that was to be of Agra, into a Commissioner of Revenue and Police at Allahabad. . . . You have not even allowed me the selection of my Secretary, an officer who, of all others, ought to be chosen by the Governor under whom he is to serve. A Secretary chosen by the Supreme Government will be above the Governor, not under him. This arrangement I consider personally degrading to me. . . ."<sup>46</sup> Not satisfied with this letter to the Governor-General, Metcalfe wrote another to Henry St. George Tucker, the Chairman of the Court of Directors, on September 4, 1834, in which he appraised Tucker of the ulterior motives and desires of Bentinck in connection with the Agra Government. "You will perceive", he wrote, "that the Governor-General proposes to station it at Allahabad and to turn it into a sort of Judicial and Revenue Commissionership, which is to have no concern whatever in political, military or financial affairs". Metcalfe was so much annoyed with the

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<sup>46</sup>Thompson: *Life of Charles, Lord Metcalfe*, pp. 309-310.

interference of Bentinck that in exasperation he suggested the total abolition of the new Presidency. He concluded his letter to Tucker: "If an efficient Government is not required in the north-west quarter, or if it cannot be formed, owing to the difficulty of separating power and patronage from the Supreme Government, why have any? Such a thing as it is proposed to set up at Allahabad, will be a useless expense".<sup>45</sup>

Protests from different quarters led the Government of India to modify their earlier decision. The new position was explained in their Consultation of November 21, 1834. It was now decided that the important political officers would "be subject to the direct control of the Government of India" and all junior officers were to "receive their orders from the Government within the sphere of whose jurisdiction they may be respectively situated". The political relations with Awadh, Gwalior, Indore, Bahawalpur, the Rajputana States and the East Punjab States were to be directly under the supervision of the Supreme Government, though copies of all important correspondence and papers were to be furnished to the Agra Government. Political relations with "the Court at Delhi, the Sikh and the Hill protected States, the Bundelkhand Rajas and the chiefs depending upon the Saugor and Narbada Agency" were placed under the

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<sup>45</sup>Metcalf's letter to Henry St. George Tucker, dated September 4, 1834, vide Kaye: *Life and Correspondence of Metcalf*, Vol. II, op. cit.

Governor of Agra.<sup>46</sup> This concession was made in view of "the eminent qualifications of the present Governor of Agra, Sir Charles Metcalfe".<sup>47</sup>

Metcalfe ultimately accepted the Governorship of the Agra Presidency and "sullenly took the prescribed oath as Governor of Agra"<sup>48</sup> on November 14, 1834, and made his way to Allahabad.<sup>49</sup> A Government notification announced this and declared that "the seat of the Government will be for the present at Allahabad and it will comprise all those territories which have hitherto been under the control of the Courts of the Sadr Diwani and Sadr Nizamat Adalat for the Western Provinces in their judicial and revenue capacity".

Metcalfe's first report on the administration of his new charge was forwarded direct to the Court of Directors on February 26, 1835, in which he stated : "The Agra Government commenced its proceedings in Calcutta immediately after my assumption of office of Governor on November 14, 1834. . . . The papers of the provinces composing the Presidency of Agra were at once handed over by the Bengal Secretaries to the Secretaries of the new Presidency, and business was proceeded with without interruption".<sup>50</sup> He left

<sup>46</sup>Auckland's letter to Metcalfe, dated March 17, 1836, vide Kaye: *Life and Correspondence of Charles, Lord Metcalfe*, Vol. II, pp. 294-295.

<sup>47</sup>Letter from the Governor-General to the Court of Directors, dated Ootacamund, August 20, 1834, No. 12 (Political).

<sup>48</sup>Thompson : *Life of Charles, Lord Metcalfe*, p. 310.

<sup>49</sup>Beveridge : *Comprehensive History of India*, Vol. III, p. 249.

<sup>50</sup>Home, *Miscellaneous Records*, General section, Volume 502, Paper No. 1 of 1835, dated Allahabad, February 26, 1835.

Calcutta for Allahabad on December 16, 1834, and reached his capital city on February 6, 1835.<sup>51</sup>

Soon after his arrival at Allahabad, Metcalfe became interested in the Government and administration of the Presidency of Agra. He wrote to his patron, Tucker: "I am becoming interested in my Agra Government and hope to do some good. I am now getting deeply interested in its duties.....I still, however, think that the Government ought to be made more of or abolished".<sup>52</sup> Metcalfe would not tolerate the interference of Bentinck in the administration of the Agra Presidency. Even from Allahabad he protested against the Governor-General's interference in his nominations and appointments. "When I nominate a bad or inefficient servant", he wrote, "I shall feel that your check is well exercised", but not otherwise. If the Governor-General were to interfere in the revenue and judicial appointments made by the Governor, how could the latter be held responsible for the good and efficient administration in his province, he pertinently asked.

When the Agra Presidency was formed, it became necessary that a statement of the Civil Servants and other officers of the Presidency be prepared for the record of the Government of India and the Court of Directors. H. T. Prinsep, Secretary to the General

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<sup>51</sup>Home, Miscellaneous Records, General section, Volume 502, Paper No. 1 of 1835, dated Allahabad, February 26, 1835.

<sup>52</sup>Metcalfe's letter to Henry St. George Tucker, dated February 2, 1835, vide Kaye: Life of Metcalfe, Vol. II, pp: 232-233 footnote.



Department of the Government of India recorded on January 20, 1835: "The Government of Agra has been so recently consolidated that in the present instance the requisite information in regard to its officers has been collected more conveniently at this (Fort William in Bengal) Presidency.<sup>63</sup> It was decided that officers serving in either of the two divisions of the Bengal Presidency at the time of the division should be considered to be the Civil Servants of that particular Presidency.<sup>64</sup> No transfers from one Presidency to the other were to be allowed. The statement of the Covenanted and non-Covenanted officers of the two Presidencies in 1835 was:—

Class of Officers	Fort William	Agra	Total
Senior officers	167	123	290
Junior officers	51	76	127
Total	218	199	417

Thus of the total Civil Servants and other officers there were more than thirty-eight per cent Junior Assistants

<sup>63</sup>Home, Public Proceedings, No. 12 of January 26, 1835. In the beginning the Court of Directors did not favour the division of the Civil Service between the two Presidencies.—Despatch from Court of Directors to the Government of India, dated December 10, 1834, No. 44 (Public).

<sup>64</sup>H. T. Prinsep in House of Commons, Report from Committees, 1852, Vol. X, Question No. 844.

in the Agra Presidency and less than twenty-five per cent in the Presidency of Fort William. The proportion of officers was higher in the Fort William than in the Agra Presidency. The reason for the large number of Junior Assistants in Agra was that "the business of revenue settlement.....in those (North-Western) Provinces creates a larger demand for such (junior) officers....."<sup>55</sup>. Many more officers of this category were required for the efficient conduct of Government in the country of sturdy people which had been acquired only a few decades ago.

Charles Macsween, Secretary to the Judicial and Revenue departments of the undivided Bengal Presidency, was appointed Secretary to the Judicial and Revenue departments of the new Government of the Agra Presidency.<sup>56</sup> G. A. Bushby was to be the Second Secretary to the Agra Government and was made in charge of the Police and General departments.<sup>57</sup>

The Civil Servants of the new Government of Agra were :—<sup>58</sup>

Secretaries to the Government	2
Accountant-General	1
Deputy Accountant-General	1
Judges of the Sadr Courts	6
Registers and Assistants of the Sadr Courts	2

<sup>55</sup>Home, Public Proceedings, No. 12 of January 26, 1835.

<sup>56</sup>H. T. Prinsep in House of Commons Report from Committees, 1852, Volume X, Question 843.

<sup>57</sup>Home, Miscellaneous Records, General section, Volume 502, Paper No. 1 of 1835.

<sup>58</sup>Home, Public Proceedings No. 13 of January 26, 1835.

Civil and Sessions Judges	18
Additional Judges	3
Magistrates	2
Members of the Board of Revenue	2
Secretary to the Board of Revenue	1
Deputy-Secretary to the Board of Revenue	1
Collectors and Magistrates	27
Collectors	2
Commissioners of Revenue and Circuit	12
Sub-Collectors, Deputy-Collectors and Joint-Magistrates	22
Head Assistants	15
Junior Assistants	76
Deputy-Collector with Magistracy	1
Collectors of Customs	4
Deputy-Collector of Revenue	1
Members of the Board of Trade	2
Total	199

Metcalf prepared to push on with the land settlement started in 1833 in accordance with Regulation IX of that year, and suggested to the Chairman of the Court of Directors that some lands in the Presidency should be permanently settled and that the authority of doing so be conferred upon the Governor of the Presidency.<sup>66</sup>

Lord William Bentinck, who had been ill for the past one year, could not improve and was

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<sup>66</sup>Metcalf to Tucker, dated October 4, 1835, vide Kaye : *Life and Correspondence of Charles, Lord Metcalf*, Volume II, pp. 275-276.

compelled to leave India for England. Naturally, Metcalfe who had already been appointed Provisional Governor-General was to take charge of the Supreme Government. He was hurriedly recalled to Calcutta when he was on the way to settling the Government of his new Presidency. Therefore, Metcalfe could do practically nothing during the brief period of his office at Allahabad; all that he could do was to have a look at the capital of his charge and then to return to Calcutta forthwith. He left Allahabad for Calcutta on February 28, 1835.<sup>60</sup> John Kaye has very pointedly said about Metcalfe's brief Governorship of the Agra Presidency: "He went to Allahabad—he pitched his tent in the Fort—he held a levee—and he returned to Calcutta".<sup>61</sup> On his return to Calcutta Metcalfe took over from Bentinck the Governor-Generalship of India on March 20, 1835—just to give him farewell.<sup>62</sup> Metcalfe was to continue at Calcutta as in charge of the Government of India till the arrival of a new Governor-General.

William Blunt was now appointed to act as the Governor of the Agra Presidency during the absence of Lord Metcalfe.<sup>63</sup> He took charge of the Govern-

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<sup>60</sup>Home, Miscellaneous Records, General section, Vol. 502, Paper No. 2 of 1835. Metcalfe to Court of Directors (Proceedings).

<sup>61</sup>Kaye: *Life and Correspondence of Charles Lord Metcalfe*, Vol. II, pp. 232-233.

<sup>62</sup>Prinsep to Blunt, vide Home, Public Proceedings No. 3, of March 20, 1835; Thompson: *Life of Charles Lord Metcalfe*, p. 312; Kaye: *Life and Correspondence of Charles Lord Metcalfe*, Vol. II, p. 232.

<sup>63</sup>Home, Public Proceedings, No. 1 of February 10, 1835.

ment of Agra the same day Metcalfe gave it up, i. e., March 20.<sup>64</sup>

The salary of the Private Secretary to the Governor of the Agra Presidency was fixed, inclusive of all allowances, at Rs. 1,500 per month and that of the Military Secretary to the Governor at Rs. 1,000 per month.<sup>65</sup> The salary of the Surgeon to the Governor of Agra was fixed at Rs. 3,400 a year or Rs. 450 per month.<sup>66</sup> The expenses for the maintenance of several departments of the Agra Government were Rs. 47,000 per month, and this sum included the expenses of the Secretariat, the Audit and Accounts Office, the Government establishments and the expenditure on the Government House and the Darbar charges.<sup>67</sup>

An important change took place at this time in the duties and functions of the Government of the Presidency. The Acting Governor-General-in-Council resolved on April 15, 1835, "to relieve the Supreme Government of the direct management of those details of business which had been placed within executive control of the Council of India by the Resolution of December 22, 1834, with the exception of general

<sup>64</sup>Home, Public Proceedings, No. 3 of March 20, 1835.

<sup>65</sup>Torrens to Secretary, Agra Government on March 23, 1835, vide Home, Public Proceedings, No. 4 of March 25, 1835.

<sup>66</sup>Home, Public Proceedings, No. 5 of May 20, 1835.

<sup>67</sup>Home, Miscellaneous Records, General section, Volume 502, Paper No. 6 of 1835.

The expenditure on the same items in the Presidency of Fort St. George was Rs. 51,928-13-6 per month, vide Bentinck's Minute in Council, dated January 15, 1835, quoted by Blunt in No. 6 of 1835 mentioned above.

education". The departments whose work was now delegated to the Presidency Governments were ecclesiastical department, the Civil Services and all other establishments of a general nature, the Mint Committee and the Post office.<sup>68</sup> The income accruing from the post office, stamps, abkari, ferries, staying bungalows and all other public works in those departments was to be credited to the account of the Presidency Governments wherever they be arising. At the same time the expenses of the ecclesiastical department, stamps, post office, ferries, staying bungalows and public works of a Presidency were to be met from the income of that particular Presidency.

William Blunt continued as the Governor of the Agra Presidency from March 30 to November 10, 1835. On November 11, 1835, Alexander Ross, who had been the senior member of the Governor-General's Council at Calcutta, was appointed as the new Governor of the Presidency. Ross, who took charge of the Presidency the same day,<sup>69</sup> continued to hold that post till he received a despatch from the Acting Governor-General of India in Council (Metcalf) dated February 29, 1836, enclosing a copy of letter No. 46 from the Court of Directors dated September 30, 1835,<sup>70</sup> suspending Section 38 of the Charter Act of 1833

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<sup>68</sup>Home, Public Proceedings, No. 3 of May 20, 1835.

<sup>69</sup>Home, Public Proceedings No. 1 of November 11, 1835; Home Public proceedings, No. 10 of December 2, 1835.

<sup>70</sup>Home, Public Proceedings, No. 7 of March 9, 1836. Proceedings of the Governor-General-in-Council dated February 29, 1836.

which had created Agra as a separate Presidency. On that very day the Agra Presidency was renamed as the North-Western Provinces and became a subordinate part of the re-united Bengal Presidency. The re-union of the Presidencies of Agra and Fort William in Bengal took place as a result of Act 5 & 6 Will. IV Cap. 52 which made it "lawful for the Court of Directors of the East India Company under the control of the Board of Commissioners for the affairs of India to suspend the execution of the provisions of the said Act (3 & 4 Will. IV Cap. 83) so far as the same relate to the division of the said territory into two distinct Presidencies . . . ."<sup>71</sup> The Governor of the Agra Presidency henceforth came to be called Lieutenant-Governor after its unification with Bengal. He was, however, allowed to draw the full salary of the Governor heretofore.<sup>72</sup> Act 5 & 6 Will. IV Cap. 52, passed on August 31, 1835, empowered the Governor-General-in-Council to appoint from time to time any servant of the East India Company, who should have been ten years in the service in India, to the office of the Lieutenant-Governor of the North-Western Provinces, now under the Presidency of Bengal, and from time to time declare and limit the extent of the territories so placed under the Lieutenant-Governor as the Governor-General might deem fit. The idea of a separate

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<sup>71</sup>Home, Public Proceedings, dated February 29, 1836; House of Commons, Public Bills, 1835, Volume II, Bill 5 & 6 Will IV Cap. 52.

<sup>72</sup>Home, Miscellaneous Records, General section, Volume 502. Note to the Proceedings of the North-Western Provinces Government for January, February and March, 1836.

Presidency for Agra was thus shelved for ever,<sup>73</sup> and though it became the headquarters of the North-Western Provinces on its reconstitution, Agra could not rise to the level of a Presidency headquarters like Calcutta, Bombay and Madras.

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<sup>73</sup>A. C. Banerji : Indian Constitutional Documents, Vol. I, p. 202 fn. ; Beveridge : Comprehensive History of India, Vol. III, p. 249.



## CHAPTER V

### THE NORTH-WESTERN PROVINCES, 1836-1838

#### ADMINISTRATION REORGANISED

Lord William Bentinck advocated a better Government of and a more strict control over the Upper Provinces of the Bengal Presidency, but from the very beginning he was opposed to the idea of the creation of a separate province for that territory or to share patronage and power with any other authority in the Upper Provinces. That was why when the proposal for the creation of the Agra Presidency was under consideration, he had suggested that the headquarters and the Government of India be shifted to somewhere in the Upper Provinces and that the Vice-President-in-Council should look after the day-to-day administration of the Lower Provinces, i. e., Bengal proper. His suggestion did not find favour with the masters in England and so nothing could be done. When the Charter Bill of 1833 was being discussed in the Parliament, many a member emphasised the necessity of an efficient and good Government in "the Northern Provinces of India". The Act established a new Government of Agra with full powers in all but military and political departments. But very soon after the creation of the Presidency of Agra people began to question the utility of

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<sup>1</sup>Auckland's letter to Metcalfe on March 17, 1836, vide Kaye: *Life and Correspondence of Charles, Lord Metcalfe*, Vol. II, p. 295.

this Presidency and the expenditure it entailed. The project was criticized on many points, of which four were of importance. Firstly, the new Presidency meant a fresh liability and great expenditure for the Company. Secondly, when the Agra Government was not given power, patronage and political relations, the work assigned to it was of a secondary nature, and, it was said, routine work could be carried out efficiently without increasing the cost in that proportion in which a new Government entailed. Thirdly, the work and the functions of the new Government were very little and not of any great importance. Fourthly, shorn of military power and without an army the Governor of Agra was a person of no consequence, as he had to depend upon the Governor-General in every important matter.<sup>2</sup> Therefore, it was suggested, that the Agra Presidency be reduced to a Lieutenant-Governorship. It was further proposed that the Lieutenant-Governor should assist the Governor-General in disposing off the details of a routine nature which "it was impossible for him ( Governor-General ) to attend to without neglecting more important concerns".<sup>3</sup> The Board of Control took an enlarged view of the whole subject and agreed with the proposal. They approved the idea of stationing in the Upper Provinces "an officer of authority paramount to that of Commissioners, Collectors and Magistrates" who might be dependable

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<sup>2</sup>J. C. Melville, Lords Committee on Indian Affairs, 1852, Vol. XXX, Question No. 657.

<sup>3</sup>Kaye: Life and Correspondence of Metcalfe, Vol. II, p. 296.

and in whom the Governor-General might have confidence so that they might exercise whatever powers were delegated to them by the Governor-General.<sup>4</sup> On April 6, 1835, therefore, Bill 5 & 6 Will. IV Cap. 32 was introduced in the British Parliament which laid it down that "whereas much difficulty has arisen in carrying such enactment (separation of the Bengal and the Agra Presidencies) and the same would be attended with a large increase of charge. . . . it shall . . . be lawful for the Court of Directors of the East India Company under the control of the Board of Commissioners for the affairs of India to suspend the execution of the provisions of the said Act (3 & 4 Will. IV Cap. 83), so far as the same relate to the division of the said territory into two distinct Presidencies. . . ."<sup>5</sup> Act 5 & 6 Will. IV Cap. 32, therefore, re-united the two Presidencies of Bengal and Agra and imposed the supervision and control of the Governor-General in all matters of the Agra Presidency. To look into the internal and day-to-day details of the Government, a Lieutenant-Governor was appointed by the Governor-General. The authority of the Crown was not required for the appointment of the Lieutenant-Governor, as the Parliament had authorized the Governor-General to appoint a Lieutenant-Governor himself.<sup>6</sup> He was to be selected from

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<sup>4</sup>House of Commons, Public Bills, 1835, Vol. II; Kaye: *Ibid.*

<sup>5</sup>Home, Public Proceedings of Governor-General in Council of February 29, 1836. House of Commons, Public Bills, 1835, Vol. II.

<sup>6</sup>Melville, Question No. 659, vide Lords Report, 1852, Vol. XXX.

among the highest civil officers of the Company, normally one of those who had been in service for at least ten years.<sup>7</sup> The Act suspended some of the provisions of the Act of 1833, in the beginning for a period of three years. The Government of the North-Western Provinces, as the Agra Presidency was re-named, was "completely subordinate, in every respect and in every department to the Governor-General-in-Council".<sup>8</sup>

The conversion of the Presidency of Agra into the North-Western Provinces changed the whole political aspect of the situation. It reduced the Governor of Agra to the status of the Lieutenant-Governor. Alexander Ross who had taken over as the Governor of Agra on November 11, 1835, continued in that position up to February 29, 1836, and from that date to April 3, 1836, he acted as the Lieutenant-Governor of the North-Western Provinces. However, Ross was "invested with the same powers which have here-to-fore belonged to the Government of Agra, and it is not intended to make any immediate change except in the designation of the office. . . ."<sup>9</sup>

It was during the time of suspense and the new Agra Bill that Alexander Ross, the Governor, abolished

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<sup>7</sup>Melville: Question No. 425, vide Commons Report, 1852, Vol. X and Question No. 658, Lords Report, 1852, Vol. XXX.

<sup>8</sup>Maddock: Lords Report, 1852, Volume XXX, May 17, 1852. Also see G. R. Clerk: Question No. 1525.

<sup>9</sup>Proceedings of the Governor-General in Council, February 29, 1836, vide Home, Public, Proceedings No. 7 of March 9, 1836.

all vexatious inland transit duties in the Presidency, and soon after Bengal followed suit.<sup>10</sup>

After the resignation and departure of Bentinck a lot of time was taken in deciding about his successor. This was due mainly to party feelings in England. The Whig ministry was in power, Charles Grant was the Chairman of the Board of Control and Henry St. George Tucker was the Chairman of the Court of Directors. The Court of Directors wanted one of their own servants to be the Governor-General of India and recommended the name of Metcalfe by an overwhelming majority.<sup>11</sup> But the ministerial cabinet wanted someone from British politics to succeed Bentinck, as Canning's letter to the Court dated December 25, 1820, determined their policy. After the appointment of the Tory Lord Heytesbury the Whigs again came to power and appointed Lord Auckland to the post.

All through this crisis Metcalfe, as officiating Governor-General, was in a fix and did not know where he stood. He had been the Governor of the Agra Presidency, and also Acting Governor-General of India. He, therefore, did not like to be the Lieutenant-Governor of the North-Western Provinces. It would be a degradation, a way down-hill. A Lieutenant-Governorship was far inferior a post to a Governorship. He wrote to Tucker on January 24,

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<sup>10</sup>Metcalfe's reply to John Stewart, President, Bengal Chamber of Commerce, March 10, 1836, vide Kaye: Metcalfe, Vol. II, p. 291.

<sup>11</sup>Thompson: *The Life of Charles, Lord Metcalfe*, p. 314.

1836: "The position below which I should think it some degradation to descend, is that which I occupied before I became Governor-General, i. e., the Governor of a Presidency with the provisional appointment of Governor-General annexed. The latter made me second man in India. . . . but any inferior to that would, I think, be something like degradation. . . . Nothing but a sense of degradation will drive me from the public service".<sup>12</sup> The Court of Directors as also the ministers did not want to lose the services of such a good worker and servant. Therefore, he was compensated and requested to remain in the service of the Company. The honour of the Grand Cross of the Bath was conferred upon him by King William IV. Sir Henry Taylor, by the King's orders, praised Metcalfe in a despatch to the Court. In spite of all this, Metcalfe felt degraded and remained dissatisfied, and wrote to Tucker on February 7, 1836: "I do not like tumbling down hill".<sup>13</sup> Meanwhile, Auckland landed in India on March 3, 1836. Metcalfe's resentment continued and was expressed in another letter dated March 5, 1836, to his sister Georgiana Smyth. "I am pressed", he wrote, "to stay as Lieutenant-Governor of what was once my Government, by the authorities at home and by the Governor-General in a most flattering manner . . . . . I cannot with credit accept a situation so subordinate, compared with the position which I have occupied during the last eight years or more".<sup>14</sup> The

<sup>12</sup>Kaye: Metcalfe, Vol. II, p. 278.

<sup>13</sup>Kaye: Ibid, p. 280.

<sup>14</sup>Thompson: Life of Metcalfe, pp. 322-323.

Court made efforts to pacify Metcalfe. Edmonstone, an old friend and chief, requested him to accept the offer. "It is", he wrote, "no doubt, a subordinate appointment, but in your hands it will be subordinate only in name . . . . Lord Auckland far from being inclined to exercise the control which Lord William deemed indispensable, will be too happy to be himself guided by your superior knowledge and advice."<sup>15</sup> On his arrival Lord Auckland invested Metcalfe with the Grand Cross of the Bath at a grand function held on March 14, 1835, and three days after the Governor-General wrote a flattering letter to him. He told Metcalfe that in his special case the salary of the Lieutenant-Governor would be the same as that of the Governors of Bombay and Madras and the patronage and superintendence to remain the same as those of the Governor of Agra. The headquarters were to be shifted from Allahabad to Agra and the political relations with Gwalior and the Rajputana States were to remain in the hands of the Lieutenant-Governor. In his reply dated March 18 Metcalfe accepted the post, but suggested some increase in his power and authority. He found consolation in the fact that once again he was appointed provisional Governor-General of India. He wrote to his aunt, Hon'ble Mrs. Monson, with some satisfaction on April 3, 1836, that he had been assigned "all the duties and

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<sup>15</sup>Thompson; *Life of Charles, Lord Metcalfe*, p. 323.

Lord Curzon aptly remarked: "At one moment they (Court) were struggling to confirm his officiating appointment. A few months later, after Metcalfe's action in liberating the Indian Press, they would not even send him to Madras" as Governor.—*British Government In India*, Vol. II, p. 195.

powers that the Governor had, and adding others that he had not. Its duties are more extensive and important than those of the former Government defunct. It is inferior only in designation, trappings and allowances".<sup>16</sup>

Bentinck had dictated the choice of Metcalfe's assistants, Secretaries and other personnel of his Government; Lord Auckland requested him to nominate his own A. D. Cs. and assistants. The charge of the Government of the North-Western Provinces was handed over to Metcalfe by Alexander Ross by letter on April 4, 1836, and Metcalfe took over his duties immediately. For him, as a special case, the salary remained as before, i. e., Rs. 1,20,000 per year. The pay of the Private Secretary to the Lieutenant-Governor was, however, reduced from Rs. 1,500 to Rs. 1,000 per month, while the offices of the Military Secretary and the aid-de-camp were abolished and the darbar charge was finished with<sup>17</sup>. Metcalfe's administration of the North-Western Provinces was marked by many a calamity. By the end of 1836 plague starting from Pahli, a small town in Rajputana, spread over the whole of the northern India right up to Calcutta. The Lieutenant-Governor took preventive measures and made efforts to check it from spreading. The Government were successful in their attempts and,

<sup>16</sup>Kaye: *Life and Correspondence of Metcalfe*, Vol. II, p. 301.

<sup>17</sup>Narrative of Proceedings of Lieutenant-Governor in General Deputt. for April, May & June, 1836, vide Home, *Miscellaneous Records*, Vol. 502.



naturally enough, Metcalfe won the approbation and thanks of Auckland, who said: "I think you have done all that can be done against the plague, and you have fully anticipated whatever I ventured to suggest"<sup>18</sup>. The second calamity to befall Metcalfe's Government was the great famine of 1837-38. Rains failed in 1837 and there was drought. The whole land was parched and dried up and vegetation was nowhere to be seen almost throughout the province, specially so in the Agra Division. The loss was irreparable and desolation spread all over the province. The Lieutenant-Governor tried to relieve the distress, but ultimately, according to Miss Emily Eden the Governor-General's sister, about 8,00,000 people died<sup>19</sup>. Metcalfe "knew how little could be effected by human agency"; he retired before anything material towards relief of the suffering masses could be done by him. Relief could be successfully administered only after Auckland took over the Government<sup>20</sup>.

Meanwhile the relations between Metcalfe and the Court of Directors had deteriorated owing to Metcalfe's independence of action as Acting Governor-General in enacting the Press Act of September 15, 1835, thereby lifting all restrictions on the British press in India against the wishes of the authorities in

<sup>18</sup>Narrative of Proceedings of Lieutenant-Governor in General Depty. for April, May & June, 1836, vide Home, Miscellaneous Records, Vol. 502.

<sup>19</sup>Thompson: Life of Metcalfe, p. 326 footnote

<sup>20</sup>See Chapter IX on Public Welfare Activities for details.

England<sup>21</sup>. He was passed over by the Court of Directors when the Governorship of Madras fell vacant on the retirement of Sir Frederick Adam, and Lord Elphinstone was appointed to the post. Metcalfe had already guessed that the Court had become displeased with him and, therefore, had written a direct letter to the Secretary of the East India Company on August 22, 1836, in order to ascertain whether or not he had really lost their confidence and favour<sup>22</sup>. Tucker, the Chairman of the Court, "was no longer his supporter and was in no hurry to reply<sup>23</sup>." At last, when he did receive a reply from the Court early in August 1837, it was a cold, brief and formal one dated April 13, 1837. Metcalfe felt disgraced and indignant, and resigned the Lieutenant-Governorship of the North-Western Provinces on August 8, 1837. He was relieved by the Governor-General who had reached Kanpur on his tour of the northern India, from January 1, 1838. Auckland graciously ordered that "Sir Charles Metcalfe shall continue to receive all the honours due to the station of the Lieutenant-Governor",<sup>24</sup> and his personal staff attended him till his embarkation for England.

Throughout Metcalfe's term of office, the settlement of land revenue started by R. M. Bird in

<sup>21</sup>It should be noted in this connection that Metcalfe lifted the censorship orders and other restrictions on the British Press in India only, for there was no Indian Press so far. The measure should not be mis-understood.

<sup>22</sup>Kaye: *Life and Correspondence of Metcalfe*, Vol. II, pp. 318-321.

<sup>23</sup>Thompson: *op. cit.*, p. 328.

<sup>24</sup>Auckland's Notification of January 1, 1838, vide *Home, Public Proceedings*, No. 7 of January 10, 1838.

accordance with Regulation IX of 1833 was being pushed forward steadily. Bird's ideas about the village communities and the system of land revenue assessment were approved of by Metcalfe in general. Both of them did not want to disturb the life of the village communities; they only wanted that the village communities should be given security from external dangers, leaving their internal matters to themselves.

## II

### THE NEW SET-UP

The North-Western Provinces was shaped like an irregular crescent, the Kingdom of Awadh lying in the hollow of the crescent. In extent of territory the North-Western Provinces nearly equalled England, Wales and Ireland put together "and would be an empire in Europe"<sup>25</sup>. It was composed of two types of territories—Regulation Territories and the Non-Regulation Territories, the area of the former being 71,972 square miles and that of the latter 13,599, square miles, making a total of 85, 571 square miles.<sup>26</sup> The area of the Lower Provinces was 2,25,103 square miles and that of the other two Presidencies of Madras 1,44,889 square miles and of Bombay 1,20,065 square miles. The Regulation area was divided into thirty-one districts, and the Non-Regulation into four districts, making a total of thirty-five districts.<sup>27</sup> The Non-Regulation Territories were not governed by any Code or set of

<sup>25</sup>Notes on the North-Western Provinces by 'A District Officer', p. 2.

<sup>26</sup>Campbell: *Modern India*, pp. 230-231.

<sup>27</sup>Campbell: *Ibid*, pp. 230-331.

rules, but by the orders of the executive officers. These territories were classed as 'foreign' as late as 1852 and their administration was conducted in the Foreign department of the Government of India up to the Revolt of 1857-58.<sup>28</sup> Though the appointments to the public services were said to be open to civilians in these areas, they were, in fact, held by military men with very few civilians here and there.<sup>29</sup>

The North-Western Provinces was the only province with a Lieutenant-Governor at its head and the only Government in the Company's dominions in India without a Council to assist the head of the Government. It was, thus, "the cheapest Government"<sup>30</sup> of all the provincial Governments.

<sup>28</sup>Campbell: *Modern India*, p. 233.

<sup>29</sup>*Ibid.*, p. 234.

<sup>30</sup>The cost of the different provincial Governments in 1852 was as follows:—

AGRA	Salary of Lieutenant-Governor	Rs. 1,20,000*	Totals
MADRAS	Secretariat	Rs. 1,28,400	Rs. 2,48,400
	Salary of Governor & Members of Council	Rs. 2,56,000	
	Personal Establishment	Rs. 79,840	Rs. 6,09,240
BOMBAY	Secretariat	Rs. 2,73,400	
	Salary of Governor & Members of Council	Rs. 2,56,000	
	Personal Establishment	Rs. 63,280	
	Secretariat	Rs. 4,32,920	Rs. 7,52,200

Figures from Campbell: *Modern India*, pp. 232-233.

\*The salary of the Lieutenant-Governor of N. W. P. remained the same as that of the Governor of Agra during the term of Metcalfe. He had no other allowance, and paid house rent from his own pocket. R. N. C. Hamilton on February 21, 1840, vide *Home, Public Proceedings*, No. 5 of March 18, 1840. Later on, however, the salary was reduced to Rs. 84,000 per year or 7,000 a month plus personal staff and establishment charges of Rs. 13,200 per year.

The territories under the jurisdiction of the Lieutenant-Governor could fluctuate according to the wishes and desires of the Governor-General-in-Council. The North-Western Provinces was "completely subordinate, in every respect and in every department to the Governor-General-in-Council".<sup>31</sup> The Lieutenant-Governor had "no political control of any importance to distract his attention",<sup>32</sup> and, therefore, he could have a better supervision over the local matters. It had already been admitted by Prinsep that "having a Government on the spot has led to matters being more promptly considered and perhaps maturely considered, than they would have been if there had been a reference required to Calcutta."<sup>33</sup> The relations between the Governor-General and the Lieutenant-Governor were very cordial for most of the time. The reason for it was that normally the Governor-General left patronage and appointments "entirely" in the hands of the Lieutenant-Governor "without any distinct understanding." When G. R. Clerk was the Lieutenant-Governor of the North-Western Provinces he was allowed to handle political relations also and keep them in his own hands.<sup>34</sup> Naturally enough, whenever the Governor-General was on tour to the North-Western Provinces he superseded the authority

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<sup>31</sup>Maddock: on May 17, 1852, Lords' Report, 1852, Vol. XXX.

<sup>32</sup>G. R. Clerk: Question No. 1337, Commons Report, 1852, Vol. X.

<sup>33</sup>H. T. Prinsep: Question No. 928, Commons Report, 1852, Vol. X.

<sup>34</sup>G. R. Clerk: Question No. 1426, Commons Report, 1852, Vol. X.

of the Lieutenant-Governor appointed by himself, but he always arranged things in such a way as to allow patronage to be exercised by both of them. Normally, appointments were made by the Lieutenant-Governor and they were to be referred to and confirmed by the Governor-General. When Metcalfe was Lieutenant-Governor and Auckland the Governor-General, the former made every appointment, though the entire Government was in the hands of the Governor-General. Ellenborough did everything in consultation with the Lieutenant-Governor.<sup>35</sup> However, there was some difference in the case of the appointments of the officers of the Sadr courts and the Board of Revenue, which required the confirmation of the Governor-General-in-Council.<sup>36</sup> Normally the Governor-General did not interfere even in these appointments and confirmed the officers recommended by the Lieutenant-Governor.<sup>37</sup> According to a contemporary writer, George Campbell, the Lieutenant-Governor of the North-Western Provinces "has the power of a Governor, with certain reservations".<sup>38</sup>

The Lieutenant-Governor did not have a Council to advise him; he worked alone, under instructions from the Governor-General. This was done primarily

<sup>35</sup>Prinsep: Commons, 1852, Vol. I; W. W. Bird, Lords Report 1852, Vol. XXX, Question No. 988; Maddock: Lords, 1852, Vol. XXX, Question No. 778.

<sup>36</sup>Robertson: Question No. 2376, Lords Report, 1852, Vol. XXX and Bird: Question No. 988, Lords, 1852, Vol. XXX.

<sup>37</sup>Robertson: Question No. 2377, Lords Report, 1852, Vol. XXX.

<sup>38</sup>Campbell: *Modern India*, p. 222.

to economise the cost of the Government and save the salary of the Councillors. The absence of the Council indirectly increased the power and prerogatives of the Lieutenant-Governor, as without the Council he could work unfettered and without any interference. The success of the Government of the North-Western Provinces, according to J. C. Marshman, was due mostly to the absence of a Council of the Lieutenant-Governor, and the nature of the people of the province. "If Mr. Thomason had continually two members of the Council to consult", Marshman said, "he would be unable to act with so much energy and decision".<sup>39</sup> Another reason for the success of this Government was that the term of office of the Lieutenant-Governor was not fixed or limited<sup>40</sup>—Thomason held the office from 1843 to 1853, while there were others who held it even for less than a year.

The Government of the North-Western Provinces could not change any law, nor could it make any fresh ones. All that it could do was to refer the matter along with the difficulties to the Supreme Government at Calcutta which alone had the authority to effect any change in the laws of the country or the rules of administration or even to frame the policies. Like other provincial Governments, the Government

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<sup>39</sup>Marshman: Question No. 5073, Lords Report, 1852-53, (May 3, 1853).

We must note in this connection the opposition Warren Hastings had to face from the members of his Council, specially the strictures and dogged opposition of Francis.

<sup>40</sup>Campbell: Modern India, p. 222.

of the North-Western Provinces also could, however, suggest reforms to the Supreme Government and forward to them drafts of laws which the former considered essential for the proper conduct of the Government. Similarly, the Lieutenant-Governor was not authorised to add any fresh item of expenditure either to his establishment or to his Government without the sanction of the Governor-General.<sup>41</sup> He had to apply for sanction of the increased expenditure before effecting any change in his Government. This regulation was not properly enforced by some Lieutenant-Governors and usually they incurred extra expenditure in the hope of the expenditure being sanctioned by the Governor-General. Therefore, on November 4, 1848, Bushby, the Secretary to the Government of India, had to write to C. Allen, officiating Secretary to the Government of the North-Western Provinces, informing him that the Governor-General did not like "the objectionable practice of sanctioning establishments in anticipation of the confirmation of the Government of India, measure which should not be had recourse to, except upon extreme emergencies"<sup>42</sup>. Likewise, though the Lieutenant-Governor enjoyed discretion in the internal Government, he had to furnish to the Governor-General copies of all proceedings and orders of the Government of the North-Western Provinces to its officers for the information,

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<sup>41</sup>J. B. Norton put it bluntly when he wrote: "Even the increase of a rupee a month to two sweepers needed the sanction of the Central Government."—Topics for Indian Statesmen, p. 181.

<sup>42</sup>Bushby to Allen, No 936, vide Home, Public Proceedings, No. 47 of November 4, 1848.



sanction and record of the Governor-General. Naturally, he had to obey all instructions and orders of the Governor-General-in-Council. Hence, says Campbell, "almost all general and important measures are referred and explained before being carried into execution".<sup>43</sup> The details of internal administration, however, were left completely in the hands of the Lieutenant-Governor who was solely responsible for the proper conduct and control of revenue, police, public improvement and general and local matters of all kinds. The relations with the smaller States with the province were also maintained by the Lieutenant-Governor, the Governor-General guiding him in important matters only. In 1843 when G. R. Clerk was retiring and James Thomason was appointed Lieutenant-Governor of the province, the salary of the Lieutenant-Governor was fixed at Rs. 7,000 per month and the expenditure of his household was to be charged from the public funds. The total cost of the establishment including house rent was not to exceed Rs. 1,100 per month.<sup>44</sup> At the same time the number of Secretaries to the Government was reduced from two to one whose salary was fixed at Rs. 2,000 per month and who had now to conduct all the civil departments of the Government.<sup>45</sup>

The day-to-day work of the Government was carried on by the Secretary to the Government. Since

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<sup>43</sup>Campbell: *Modern India*, p. 223.

<sup>44</sup>Davidson to Thomason, No. 237 dated October 30, 1843, vide Home, Public, No. 7 of October 30, 1843. Also Home, Miscellaneous Records, General Deptt. Proceedings, No. 1 of July 18, 1844, Vol. 502.

<sup>45</sup>*Ibid.*

the creation of the Agra Presidency and later its being renamed as the North-Western Provinces there were two Secretaries to the Government up to the time of G. R. Clerk when it was ordered that only one Secretary was to carry on the work in all the departments of the Government.<sup>45</sup> These officers were Secretaries to the Government and not to the Lieutenant-Governor. They were always very senior employees of the Company and were responsible officers.<sup>47</sup> Not only did the Secretary look after the day-to-day work of the Government, he had also to correspond with the Secret and other departments of the Government of the North-Western Provinces, with the Supreme Government and with the public, besides the different officials of the provincial Government.

Matters of land revenue settlement and collection and such other things were under the supervision of the Board of Revenue. Its membership was not fixed, but normally there were two members of the Board and one Secretary; in Bengal there were three members of the Board, while in Madras there were four members, Bombay had no Board of Revenue.<sup>48</sup> The members of the Board of Revenue had on the average to their credit thirty years' service of the Company<sup>49</sup>. The Board supervised the work of the Commissioners of Revenue and the Collectors of the districts. The Commi-

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<sup>45</sup>Ibid.

<sup>47</sup>Campbell: *Modern India*, p. 234.

<sup>48</sup>Campbell: *Modern India*, pp. 236-237.

<sup>49</sup>Campbell: *Ibid*, p. 278.

Commissioners of Revenue were in charge of the general supervision in revenue matters in their respective Divisions and their jurisdiction covered five or six districts. The office of the Commissioner of Revenue was created by Lord William Bentinck. The duty then assigned to this office was to co-ordinate the work of the Collectors and keep a watch on their activities.<sup>50</sup> In the North-Western Provinces there were six divisions under the Commissioners.<sup>51</sup>

Besides these duties, they acted as Commissioners of Police also and maintained law, peace and order. As such, they were representatives of the Government in their Divisions.<sup>52</sup>

The chief civil and criminal courts were called the Sadr Diwani and the Sadr Nizamat Adalat respectively. The Sadr courts were "not only the highest courts of appeal" but were also vested with an executive superintendence over all the other courts of the province," from the bottom to the top. They also appointed the lowest grade of judicial officers of the province. The number of the Judges of the Sadr Diwani and the Sadr Nizamat courts varied from time to time, and depended upon the requirements of the work. The average period of service of the Judges of the Sadr courts of the North-Western Provinces was twenty-six years, while

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<sup>50</sup>Appendix C to Lords Report, 1852-53, Vol. XXXIII, p. 152.

<sup>51</sup>Thornton on July 1, 1844 to Davidson, vide Home, Public, Proceedings, No. 19 of July 20, 1844.

<sup>52</sup>Campbell; Modern India, p. 237.

in Bengal it was thirty-four years. Normally, they were of eighteen to twenty-six years' in the service of the Company.<sup>50</sup> Their salary on an average was Rs. 27,000 per year.<sup>51</sup> Below the Sadr courts were the courts of the District Judges, and the Sessions Judges, and those of the Principal Sadr Amins, Sadr Amins and Munsifs.<sup>52</sup>

The province was divided into six Divisions, each under a Commissioner in the Regulation areas. They were (1) the Delhi Division comprising the five districts of Panipat, Haryana, Delhi, Rohtak, and Gurgaon; (2) the Meerut Division comprising the five districts of Saharanpur, Muzaffarnagar, Meerut, Bulandshahr and Aligarh; (3) the Rohilkhand Division comprising the five districts of Bijnor, Moradabad, Badaun, Bareilly (& Pilibhit) and Shahjahanpur; (4) the Agra Division comprising the five districts of Mathura, Agra, Farrukhabad, Mainpuri and Etawa; (5) the Allahabad Division comprising the five districts of Kanpur, Fatehpur, Hamirpur (& Kalpi), Banda and Allahabad; (6) the Banaras Division comprising the six districts of Gorakhpur, Azamgarh, Jaunpur, Mirzapur, Banaras and Ghazipur.<sup>53</sup>

Each Division was divided into Districts; in the Regulation areas the Districts were under the Magistrate-Collector, while in the non-Regulation

<sup>50</sup>Campbell: *Modern India*, p. 278.

<sup>51</sup>*Ibid.* p. 283.

<sup>52</sup>See Chapter VII on the Administration of Justice for details.

<sup>53</sup>Statistical Returns in Home, Public Proceedings, No. 22 of January 18, 1847.

areas the head of the District was called Deputy-Commissioner. The average size<sup>57</sup> of the Districts in the different provinces in normal times was as follows:

Province	Area of a district in sq. miles	Population	Land Revenue
Bengal	3,200	10,00,000	Rs. 10,30,000
Madras	4,200	6,00,000	Rs. 16,50,000
N.W.Provinces	2,500	7,30,000	Rs. 13,00,000

The Magistrate-Collector in the Regulation areas and his counterpart, the Deputy-Commissioner in the non-Regulation areas, had to look after all matters in his District. In the North-Western Provinces, as in Madras and Bombay, the offices of the Magistrate and Collector were united in one individual. This arrangement was based on the principle that all the executive representation of the Government should be united in one person. The police and revenue duties were united in this official in the expectation of obtaining greater energy, uniformity, efficiency and simplicity in the working of the machinery of the Government. It was believed, as it was right to some extent, to facilitate quick decision and prompt action as also "an adaptation to the manners of the country."<sup>58</sup> The Magistrate-Collector was a sort of local Governor in his own jurisdiction and had great authority in the

<sup>57</sup>Campbell: *Modern India*, p. 239.

<sup>58</sup>Campbell: *Ibid.*

management of his charge and the administration of the District. His prerogatives far exceeded the expectations of his designation and people looked to him in every matter as their immediate ruler.<sup>59</sup> He had to look after practically every sphere of activity and every branch of the Government in his district—collection of revenue, keeping of accounts, police, public institutions and welfare activities. He had to look after the proper maintenance of roads and bridges and other means of communication throughout his district.<sup>60</sup> For some time during the period of our study he was in charge of criminal justice also.

As a Magistrate, the functions of this officer were threefold. (a) General Supervision: The Magistrate-Collector supervised the making and the enforcement of the local regulations, superintended the use of the local funds for roads, bridges, sarais, etc., assessed the local imposts for local police, guided and supervised the management of schools, dispensaries, etc., maintained law, peace and order in the district and prevented the occurrence of all types of nuisance and disturbances. He also controlled the sale and use of intoxicating drugs. (b) As Commissioner of Police he was in charge of all police establishments in the district and, as such, was responsible for the maintenance of peace in the district. He was to prevent and control crimes, detect and punish the criminals and bring them to justice. (c) The judicial jurisdiction of the

<sup>59</sup>Campbell: *Modern India*, pp. 239-240.

<sup>60</sup>Notes on the North-Western Provinces by 'A District Officer' p. 6.

Magistrate gave him power and authority of conducting summary trials. He investigated the cases, framed the charge-sheet, sat on judgment and passed sentences and committed others to regular trials in the law courts.

As Collector, the same officer was the representative of the Company, that is the Government, as the great landlord having immediate interests in the land, itself fixing the demand and exercising supervision over the affairs of the cultivators. He registered, through his assistants, all changes in the ownership or rights in land, and its transfer from one holder to the other. And, finally, the Collector collected the land revenue from the cultivators in his districts. In case of default or non-payment of the share of the Government, the Collector exercised the power of summary trial. All pensions, exemptions from the payment of land revenue, grants of land and money and remissions of land revenue in times of famine or epidemic and other calamities could be granted only through the Collector or his recommendation. The Magistrate-Collector had a treasury at the headquarters of the district and through it kept detailed account of every transaction and managed all cash transfers to and from the Government.

The combination of these powers indeed made the Magistrate-Collector a very important and powerful part of the machinery of the Government of the North-Western Provinces. "The Magistrate may be considered the delegate of the ruling powers of the Government; the Collector is its agent in every thing

that concerns its own interests and the interests of those connected with it in the land; but the two duties are intimately connected and the functions materially assist and affect one another".<sup>61</sup>

In spite of these wide powers, however, the Magistrate-Collector could have no independent policy, nor could he spend money according to his liking. The Government of the province was an "intensely centralized"<sup>62</sup> Government; the Magistrate was controlled by the Commissioner and the Commissioner by the Lieutenant-Governor, while the Lieutenant-Governor in turn had his superior and chief in the Governor-General of India. For all acts beyond those of ordinary routine it was necessary for this official to obtain the previous sanction of the superior authorities, and even the most ordinary business had to be reported to them in a form which kept the controlling authorities and the Government well aware of all that was going on in the district. Therefore, he always worked under great check and had no independence of action.<sup>63</sup> The Government of the province maintained strict control over the finances, income and expenditure of every district, and the control was "very vigilantly exercised".<sup>64</sup> No amount of money, however small, could be spent without its previous sanction being obtained from the Government; all charges had to be reported and fully explained to the Government and its sanction obtained.

<sup>61</sup>Campbell: *Modern India*, p. 242.

<sup>62</sup>*Ibid.*, p. 254.

<sup>63</sup>*Ibid.*

<sup>64</sup>Campbell: *Modern India*, p. 255.



The Magistrate-Collector had a big establishment or office to help him in the discharge of his duties. The head of his office was the *Serishtedar* who was in charge of all papers, registers and writers and had the same duties as the head clerk and Office Superintendent of our time. Then there was the *Nazir* or the Sheriff who received charge of all the criminals and their property and executed the summons. He was the executive officer of the court of the Magistrate. The third important cog of the machinery was the record keeper to whom were made over all decided cases, decisions and other papers relating to the affairs in hand. Quite a sufficient number of writers were also maintained in every Magistrate-Collector's office, and their duty it was to take down the evidence, record the proceedings and arrange the papers in proper order. Besides the Magistrate's office, there was in every district a Record Office and an English Office.

The Magistrate had no police force, but it could be collected on his orders whenever required. However, he had some mounted police to patrol the roads and carry urgent Government papers. This police was used in emergencies.

For the local police and revenue duties the district was sub-divided into Tahsils, each of which was managed by two officials, a police Inspector and a sub-Collector of revenue or the Tahsildar. The Tahsildar was the link between the Magistrate and the people.<sup>66</sup> He was invariably a qualified person

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<sup>66</sup>Notes on the North-Western Provinces of India by 'A District Officer', p. 6.

and was handsomely paid. George Campbell, who was decidedly a responsible officer, remarked that the Tahsildars of the North-Western Provinces specially were "so highly paid and well qualified that they may with advantage be made use of for superior duties".<sup>66</sup> Their services were more often than not utilized by the Government for the disposal of summary revenue suits. They were many a time promoted to be Deputy Magistrates for the trial of smaller cases.<sup>67</sup> The Qanungo and the Patwari were the lowest Government servants. The Qanungo was in charge of a Pargana and the Patwari controlled a few villages.

In respect of the machinery of the Government and the officials employed in the two divisions of the Bengal Presidency, the Government of the North-Western Provinces was different from that of the Government of Fort William in Bengal. While in the North-Western Provinces below the District Magistrate we had the Tahsildar, the Qanungo and the Patwari besides the police Inspector in the tahsil, in the Lower Provinces "there is nothing below the District Officer".<sup>68</sup>

In both divisions of the Bengal Presidency the judiciary was manned by elderly persons who were promoted to be Judges late in their lives. When a Collector became old enough and unfit for active duty,

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<sup>66</sup>Campbell: *Modern India*, p. 245.

<sup>67</sup>Campbell, *Ibid.*

<sup>68</sup>Notes on the North-Western Provinces of India, by 'A District Officer', p. 6.

he was made a Judge. Normally there was almost no exception to this rule, unless some officer himself did not want it. It seems to have been the opinion of the Government those days that if a person was unfit for any job, he was fit at least for the chair of a Judge. One great defect of the system was that the persons who were made Judges late in life did not have any previous experience of the judiciary. They were unacquainted with their duties as also the law they administered,<sup>69</sup> and little stamina was left in them for learning the technicalities of a new job. Another evil arising from this system was that if any district officer mismanaged his district, he was usually promoted to be a Judge even against his will.<sup>70</sup> Naturally, a man who is unfit to execute orders and maintain peace is still less capable of performing the duties of the Judge which carry more responsibility and require more labour and industry. People, therefore, suffered on account of the administration of justice being in the hands of such inefficient people. The result was that very few capable and experienced people remained in this line and most of the Judges were mediocrities. "A bad department is thus made worse" is the just comment of a contemporary writer.<sup>71</sup>

The Civil Service of the East India Company was composed of the Europeans only, and it was a very corrupt organization. The members of this

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<sup>69</sup>Campbell: *Modern India*, p. 278.

<sup>70</sup>*Ibid*, p. 276,

<sup>71</sup>*Ibid*, p. 277.

service were recruited in England and the recruitment was done by nomination. The nominations were divided among the different members of the Court of Directors of the East India Company. Recruitment, therefore, was a matter of purely private patronage and hence the corruption. No appointment was made by the Court of Directors as a body.<sup>72</sup> Normally a youngman was nominated to the Civil Service of some Presidency between the ages of seventeen and twenty-one. A Civil Servant of one Presidency could not serve in another, as such transfers were not possible due to separate Civil Lists and the order of seniority. Promotions in the Civil Service were made almost always by seniority. This rule was rigidly followed in Bengal, though in the North-Western Provinces it was sometimes relaxed a little.<sup>73</sup> The first office held by a Civil Servant on his appointment was that of an Assistant in which position he remained for about five years and drew the salary of about Rs. 4,800 per year. The first promotion in this province was to the post of a Joint-Magistrate or Deputy-Collector when he was considered to have become a little responsible and forgotten his school days. Now he drew a salary of Rs. 8,400 a year. In Bengal the first promotion was to be a Magistrate and then a Collector. After a service of about fifteen years, the second promotion was to be in charge of a district—Magistrate and Collector and then he enjoyed the salary of Rs. 27,000 per year. When the District

<sup>72</sup>Campbell: *Modern India*, pp. 263-264.

<sup>73</sup>*Ibid.*, p. 275.

Magistrate became old, infirm and inefficient, he was made a District Judge. From this post the Civil Servant could claim no more promotion by seniority alone. Judgeship was the cynosure of the unfit and the infirm.

The Secretaries to the Government were selected from all and any department of the Government.<sup>74</sup> The main requirements for them were proper qualifications and the confidence of the Lieutenant-Governor.

The system of transferring Civil Servants from one department to another was full of problems and difficulties. It was a great evil indeed. Whenever an individual was transferred to some other department, he was normally ignorant of its working and had to depend upon his assistants and juniors for his first lessons. Naturally, he could not make any considerable improvement. The best solution for this evil was to maintain grades of promotion in the different departments themselves and not from one department to another.<sup>75</sup>

When a Civil Servant had put in twenty-two years' service he became entitled to a pension of Rs. 10,000 a year,<sup>76</sup> but he was given the option to remain in service. He enjoyed many privileges now when on active duty. In order to enable the members of the

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<sup>74</sup>Campbell: *Modern India*, p. 277.

<sup>75</sup>Campbell: *Ibid*, p. 277.

<sup>76</sup>*Ibid*, p. 284.

Civil Service to visit Europe, a furlough leave of three years was permitted after ten years of service. During his period abroad on furlough he received an allowance of Rs.5,000 per year in England.<sup>77</sup> Sick leave could be granted up to a maximum period of two years, on medical certificate, on full pay including all fixed allowances.<sup>78</sup>

### III

#### HISTORICAL SURVEY

Sir Charles Metcalfe retired from the Lieutenant-Governorship on January 1, 1838<sup>79</sup>, and Lord Auckland, who had come on a tour of the Upper India and was at Kanpur at this time, took over the direct administration of the provinces from him the same day. A notification to this effect was issued to the public.<sup>80</sup> The administration in the judicial, revenue and general departments was to remain distinct from that of the other departments. Narratives of proceedings of these departments were to be forwarded by the Secretary to the Government of India with the Governor-General to the President-in-Council, who was to transmit them to the Court of Directors.

When Lord Auckland took over, famine was raging in the south-western and central districts of

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<sup>77</sup>Campbell: *Modern India*, p. 279.

<sup>78</sup>*Ibid.*

<sup>79</sup>For details regarding the Lieutenant-Governorship of Sir Charles Metcalfe refer to 'Administration of the North-Western Provinces, 1835-1837' by K. C. Markandan—Allahabad University D. Phil. (Politics) thesis, 1950.

<sup>80</sup>Notification of January 1, 1838, vide Home, Public Proceedings, No. 7 of January 10, 1838.

the province and he witnessed the misery and the distress of the people while on a tour of the Upper Provinces and the Punjab. The ghastly scenes of starvation and death are picturesquely described by the Governor-General's sister Emily Eden in her "Letters from India" and "Up the Country". In the famine about 8,00,000 people lost their lives<sup>81</sup>. The Government in its effort to alleviate the suffering of the people exempted the revenue, and also arranged to give some employment to the people by starting the construction of some roads, while public charity also mitigated the distress of the starving humanity. Famine relief societies were set up in many towns and funds came forth due to public liberality. In this famine of 1837-1838 the Agra Division suffered most.

A revision of the salaries of the Civil Servants in accordance with the despatch of the Court of Directors, was made in this interim period which were now fixed as follows :—<sup>82</sup>

No.	Designation of the Civil Servant	Pay per year
4	Judges of the Sadr Courts	Rs. 52,000.
1	Register of the Sadr Courts	Rs. 24,000.
2	Members, Board of Revenue	Rs. 52,000.
1	Secretary, Board of Revenue	Rs. 28,000.
7	Commissioners of Revenue & Police	Rs. 38,000.

<sup>81</sup>Thompson: *Life of Metcalfe*, p. 326 f. n.

<sup>82</sup>Auckland's Minute of February 4, 1840, vide Home, Public Proceedings, No. 2 of March 11, 1840.

No.	Designation of Civil Servant	Pay per year
20	Civil and Sessions Judges	Rs. 30,000.
30	Magistrates & Collectors	Rs. 27,000.
20	Joint-Magistrates & Deputy-Collectors	Rs. 12,000.
2	Independent Magistrates & Collectors	Rs. 18,000.
1	Collector of Customs	Rs. 30,000.
2	Collectors of Customs	Rs. 24,000.
3	Collectors of Customs Assistants ( 1 in each district )	Rs. 12,000.
		Rs. 4,800.

Lord Auckland was in favour of economy in the Government expenditure, but he was not in favour of retrenchment of insufficient staff which might affect the efficiency of the Government. He remained in charge of the North-Western Provinces up to February 4, 1840, when he left Allahabad for Calcutta.

The administration of the province was taken over by the new Lieutenant-Governor T. C. Robertson the same day that Auckland left for Calcutta<sup>62</sup>. "With a largeness of official zeal which ever kept him in the front rank of his contemporaries, he had ever a high sense of justice"<sup>63</sup>. The new Lieutenant-Governor had, according to his biographer, a very sound knowledge of and views on Indian affairs and policies.<sup>64</sup> It was during Robertson's term of office

<sup>62</sup>Home, Public Proceedings, No. 1 of February 11, 1840.

<sup>63</sup>Kaye: *Lives of Indian Officers*, Vol. II, p. 93.

<sup>64</sup>*Ibid.*



that R. M. Bird submitted his report on the settlement of the land revenue of the twenty-five districts of the province made by him in accordance with Regulation IX of 1834. While agreeing with some features and aspects of this Settlement, Robertson did not agree with it in toto and recorded a detailed Minute on the subject.<sup>86</sup> Another important event that took place during Robertson's term of office was the famous First Afghan War. In the beginning of the War, Lord Auckland, "seems to have given way to despair"<sup>87</sup> and desired to get out of Afghanistan. Initiative, however, "was taken by men of determined character, acting on their own responsibility. Troops were hurried up by Clerk, the Agent at Peshawat, and Robertson, the Lieutenant-Governor of the North-Western Provinces and on January 4, 1842, the Second Brigade, just over 3,000 strong, crossed the Satlaj on its way to Peshawar".<sup>88</sup> The sepoys from the North-Western Provinces played an important part in the war in Afghanistan, though the province had no separate army. Robertson quitted his job on March 1, 1843, and was succeeded by G. R. Clerk.

G. R. Clerk was in office for less than a year. During his Lieutenant-Governorship the salary of the Lieutenant-Governor was fixed at Rs. 7,000 per month and it was decided to make the house-hold establishment of the Lieutenant-Governor a public charge. The house rent and the establishment

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<sup>86</sup>See Chapter VI on Revenue Administration.

<sup>87</sup>Archibold: Cambridge History of India, Vol. V, p. 511.

<sup>88</sup>Ibid.

charges, however, were not to exceed Rs. 1,100 per month<sup>89</sup>. The salary of the Secretary to the Government of the North-Western Provinces was also fixed at Rs. 2,000 per month,<sup>90</sup> and he was to manage all the departments of the Government. The Lieutenant-Governor was to be supplied with two *Aide-de-Camps*, one of whom was to act as his Private Secretary. Lord Ellenborough toured the province in the winter season of 1843-1844, i. e., during a part of the term of George Clerk. In his last Minute Lieutenant-Governor Clerk recommended the separation of the offices of the Magistrate and the Collector.<sup>91</sup> He made over charge of his office to James Thomason on December 12, 1843.<sup>92</sup>

James Thomason proved to be one of the most popular and successful Lieutenant-Governors of the North-Western Provinces. He was also the only person who was at the helm of affairs in the province for about ten years—1843-1853,—and died in harness at Bareilly in September 1853. He brought to completion the work of the land revenue settlement started by Bird in 1833 and protected, what he called, the village communities. In some districts the assessment made by Bird was lowered and thus over-assessment and the consequent

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<sup>89</sup>Davidson to Thomason No. 237 of October 30, 1843, vide Home, Public Proceeding, No. 7 of October 30, 1843 and Home, Miscellaneous Records, General Dept., No. 1 of July 18, 1844, Vol. 502.

<sup>90</sup>*Ibid.*

<sup>91</sup>Home, Public Proceeding, No. 6 of March 2, 1844.

<sup>92</sup>Temple: James Thomason, p. 91.

hardship of the cultivators were done away with.<sup>93</sup> Thomason was the first Lieutenant-Governor who started the practice of annual cold weather tours of the province. These tours were of great help to Thomason in understanding the problems and difficulties of the people in his charge; he mixed with them and received first-hand information regarding their requirements. The people also understood their administrators better now than ever before. It was his easy accessibility which made Thomason very popular with the people.<sup>94</sup> The Lieutenant-Governor introduced a great reform in the system of education in the province. He believed in mass education, and education through the medium of the language of the people themselves. An inquiry regarding the condition of education in the province was instituted in 1845 and on its report a large number of Tahsildari Vernacular Schools were opened throughout the province under the patronage of the Lieutenant-Governor<sup>95</sup>. H. S. Reid was appointed Visitor-General of Schools in the North-Western Provinces. Thomason's name became permanent in the annals of the province by the establishment of what later on became the Thomason College of Engineering at Roorkee in the Saharanpur district. Again, it was under Thomason that some of the

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<sup>93</sup>See Chapter VI on Revenue Administration.

<sup>94</sup>Thompson: Despatches & Minutes, Vol. I, pp. 397-405. Thornton to F. Currie on November 18, 1846, No. 1089, vide Home, Public Proceedings, No. 11 of December 5, 1846. Also see W. Muir to Flowden on August 4, 1853 No. 1457, vide Home, Public Proceedings, No. 13 of November 4, 1853.

<sup>95</sup>See Chapter X on Education.

most famous British administrators of India were trained—men like John Lawrence of the Punjab, Robert Montgomery, William Muir, George Edmonstone, John Strachey, George Campbell, Charles Raikes, Edward Thornton and a host of others.<sup>96</sup> These officers carried the traditions of Thomason's school wherever they went and introduced it in those new places, spreading it almost all over India. Thus Thomason's system spread to the Punjab, and the North-West Frontier.<sup>97</sup> During the Punjab wars the Medical doctors of the North-Western Provinces went to the front with the army to give medical aid to the injured and the diseased.<sup>98</sup> This popular and most successful of Lieutenant-Governors died at Bareilly on September 27, 1853, where he had gone on his usual tours.

A. W. Begbie officiated as Lieutenant-Governor from September 28 to November 2, 1853, and the new incumbent, John Russell Colvin, assumed the office at Banaras on November 3, 1853.<sup>99</sup> During Colvin's term of office the Great Revolt of 1857-58 broke out at Meerut on May 10, 1857, and it soon enveloped almost the whole province and spread to Bihar and Central

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<sup>96</sup>When the Punjab was conquered and its administration was reorganized in 1849, Lord Dalhousie transferred many right-hand men of Thomason to the new province. In private letters to Montgomery, Thomason wrote: "It has been a heavy tax. Nineteen men of the best blood! I feel very weak after so much depletion." Sir Richard Temple: James Thomason, p. 101.

<sup>97</sup>Temple; James Thomason, p. 102.

<sup>98</sup>Home, Public Proceedings, No. 20 of January 31, 1846.

<sup>99</sup>Auckland Colvin: John Russell Colvin, p. 159.

India.<sup>109</sup> Agra, the capital, was cut off from the rest of the province and administration became impossible. All means of communications were cut off and the Lieutenant-Governor himself along with the Europeans at Agra had to take shelter in the Fort. Colvin was bewildered and was at a loss as to what to do. During this critical period he fell ill and died on September 9, 1857. His body was buried within the fort.<sup>105</sup>

Immediately on the death of Colvin, E. A. Reade took over the Government as the Chief Commissioner as a temporary measure. The post of the Lieutenant-Governor had been temporarily abolished by the Governor-General during the Great Revolt, as the capital had no communications with the far-flung districts and local control had become the only method of Government. Before the death of Colvin the Governor-General had split up the North-Western Provinces into two parts—the first, a temporary Lieutenant-Governorship of the Central Province of the Presidency of Bengal having its authority over Allahabad

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<sup>109</sup>The events of 1857-58 have been variously termed as a Mutiny and as a War of Independence. It was, in fact, a revolt of some dis-satisfied people, civil and military. See "Muzaffarnagar During the Revolt of 1857-58" in the *Indian Historical Quarterly*, Calcutta, December 1952, by the present writer.

<sup>105</sup>Reade to India Government, No. 114 of September 15, 1857, vide Home, Public Proceedings, No. 4 of October 9, 1857; Auckland Colvin: John Russell Colvin, pp. 190-201.

and Banaras Divisions and the Narbada and Sangor Territories, and the second, the remaining part of the province minus the area which formed at that time the field of operation of the armies engaged in suppressing the Revolt. The second portion was placed under the temporary Chief-Commissioner of Agra.<sup>102</sup> This arrangement was made by the Governor General on August 4, 1857 and Colvin died on September 9.

Reade handed over the Chief-Commissionership of Agra to Colonel H. Fraser on September 30, 1857.<sup>103</sup> The Revolt was suppressed early in 1858 and the temporary Commissionership of Agra and the temporary Lieutenant-Governorship of the Central Province were abolished. Colonel Fraser was reverted to his office of the Chief Engineer of the North-Western Provinces. The Governor-General, Lord Canning, who was on a tour of the Upper India at that time, took over the administration and a proclamation was made to this effect at Allahabad on February 9, 1858.<sup>104</sup>

The disturbances over, Queen Victoria of England issued a Proclamation on November 1, 1858, announcing the end of the East India Company and

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<sup>102</sup>Resolution of Governor-General, No. 8, dated February 9, 1858, vide Home, Public Proceedings, No. 61 of March 5, 1858.

<sup>103</sup>Ibid.

<sup>104</sup>Home, Public Proceedings, No. 62 of March 5, 1858.

This change, as Lord Derby pointed out, was more nominal than real. Derby's speech in House of Lords, July 15, 1858.

the taking over of the Indian Empire by the Crown.<sup>105</sup> When the Governor-General left the North-Western Provinces for Calcutta, George F. Edmonstone was appointed the new Lieutenant-Governor of the province.

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<sup>105</sup>Home, Public Proceedings, No. 2 of November 5, 1858.  
See also A. C. Banerji: Indian Constitutional Documents,  
Vol. II, pp. 26-28. Second Edition.

## CHAPTER VI REVENUE ADMINISTRATION

### INTRODUCTION

From the early days of the establishment of the rule of the East India Company in the Ceded and Conquered Districts, the income of the Government was derived from two main sources, namely, *mal* or land revenue and *sayar* or non-agricultural revenue collected from a large number of imposts and taxes.<sup>1</sup> *Sayar* duties came to be called, in course of time, by the name of Inland Duties, and included customs duties, excise, salt tax and stamp tax. *Sayar*, according to an early (1771) authority, included taxes on cotton, tobacco, betel, grain, etc., duty on the manufacture and sale of cloth, taxes on boats, shop-keepers, bazar collections, fees realized from grass-cutters, from fowlers and game-killers, fines and licenses on the sale of *bhang* and other intoxicating drugs and drinks.<sup>2</sup>

These inland duties were many and were known by different names. Charles Trevelyan, who studied these taxes, remarked of them: "The question was not what was taxed, but what was not taxed."<sup>3</sup>

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<sup>1</sup>Fifth Report of the Select Committee of the House of Commons, 1812, Vol. II, Appendix XII.

According to a contemporary, *Sayar* included "almost the whole system of taxation in Europe".

<sup>2</sup>Fort William Consultations, 1771, vide P. Banerji Indian Finance in the Days of the Company, pp. 250-51.

<sup>3</sup>Trevelyan in the Select Committee Report of the House of Commons, 1873, p. 51.



## I

## LAND REVENUE

Lord William Bentinck, who was serious about the land revenue reforms in the Upper Provinces, had convened a meeting of the officials of the Revenue Department at Allahabad which met there on January 21, 22 and 23, 1833. The deliberations of this Conference led to the passing of the famous Regulation IX of 1833. It embodied all the good features of Regulation VII of 1822 and also embraced all its objects. The aim of the new Regulation was to improve the machinery for the revisions of the land revenue. It was, therefore, decided to increase the personnel employed in the work of the Settlement Department and to make the process of the land settlement simple. The regulation applied to Meerut, Agra, Rohilkhand and Delhi divisions with parts of Allahabad and Banaras divisions.<sup>4</sup> It formed the basis of all subsequent land settlements in this province. The fundamental difference between the Settlement of 1833 and that of 1822 was that while according to the earlier one the assessment of land revenue was based upon the amount of the produce of the land as had come down from the days of the Mughal Emperors, Regulation IX of 1833 based the assessment of land revenue on the amount of rent paid to the land-holders on the eve of the settlement. Up to this time the idea of the Government was that its share should be a

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<sup>4</sup>Bird's Memorandum on Land Revenue Settlement, dated February 22, 1842, vide Home, Revenue Proceedings No. 7-8 of August 21, 1844.

*part of the produce of the soil*; Regulation IX of 1833 decided that it should be fixed *in proportion to the rental assets* of the land under consideration. As R. M. Bird told the Select Committee of the House of Commons: "The settlement was made upon the land, not upon the crop, and the people cultivated what they thought was best for their interests."<sup>5</sup> Thus the new settlement was made on the basis of (a) rights to ownership and (b) the assets of the land which had been already prepared for the settlement office by the patwaris of the villages.

The objects of the new settlement<sup>6</sup> were:

1. The demarcation of the exterior boundaries of villages and estates.
2. The demarcation of the component portions of a village, the recording of the several rights comprised therein and providing for their maintenance.
3. The resumption of all hidden rent-free lands brought to light by the surveys.
4. The recasting or reduction of the talukas and large estates.
5. A revision of the previous assessments and settlements.
6. Correction of the system and proper maintenance of accounts at the Tahsildars' office and proper arrangement of their records.

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<sup>5</sup>House of Commons Report, 1852-53, Vol. XXVIII, Questions No. 5600, 5648 and 5649.

<sup>6</sup>Despatch of the Court of Directors, to the Governor-General on August 13, 1851, vide Commons Report, 1852, Vol. X, Appendix 19.

7. A better division of the *kists* or instalments of revenue payable by the cultivator to the Government.
8. The formation of a fund for the construction of roads.
9. The establishment of a provision for the support of the village police.

The Upper Provinces was a fairly extensive province stretching across more than seven hundred miles from Gorakhpur in the south-east to Hissar in the north-west, with a diversity of race, language, customs and manners of the people and also a variety of soils, climate, and vegetation. The area of the province was 71,983 square miles with a population of 2,31,99,668 souls and the total revenue of the province amounted to rupees five crores.<sup>7</sup>

The person selected to conduct the stupendous task of implementing Regulation IX of 1833 and making a settlement of the land revenue of the province was Robert Mertins Bird, a senior member of the Board of Revenue at Allahabad. The task to which he was now to set himself had been many years previously planned and elaborated by him, as measures of a purely judicial character when he was holding a judicial office, and had no prospect of being connected with the revenue department. His experience in the discharge of his functions as a judicial officer had led to the conviction in his mind that the existing tribunals

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<sup>7</sup>Calcutta Review, No. XXIV, Article on 'The Settlement of the North-Western Provinces'.

were insufficient for the ascertainment of rights or their protection, that the combined effects of the revenue and judicial systems would be injurious and oppressive, unless those systems would be made to bear a more exact relation to the institutions and habits of the people.<sup>8</sup> Bird selected his own assistants and subordinates, and he selected them well. Once selected, they enjoyed the full confidence of their Chief. The earlier Settlement Officers were usually Collectors and Magistrates, who were over-burdened with many other duties, with the result that they could not devote their full time to the work of the settlement. The Settlement Officers appointed by Bird were appointed solely for this work. They had no other duties to distract their attention and, therefore, could devote themselves to the task with a greater devotion and more success. This was in a great measure responsible for their success.

The process of the settlement of land adopted by Bird was a detailed and elaborate one, though it was successful in curtailing the unnecessary details which had bogged the settlement of 1822. First of all,

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<sup>8</sup>Despatch of the Court of Directors, August 13, 1851, to the Governor-General of India, op. cit.

According to John Thornton, Secretary to the N. W. P. Govt., Bird's was "a mind capable of dealing equally with minute details and general principles, store of information collected by unusual power of memory and observations; cheerful spirits and unflinching health; together with a robust energy, *the vigor animi ingentibus negotiis par*; these were his qualifications for the great work which then lay before him. On that work he impressed his own stamp and gave it all its form and feature".—Thornton vide the *Calcutta Review*, Volume XII, p. 433.

fiscal areas were marked out and a rough summary of all the land within these areas was prepared. Then a map of the fiscal areas was drawn up in which details of every separate field and holding were shown. The next step was to prepare a professional survey of the fiscal area demarcating the cultivated and the uncultivated land. The fourth step was the fixation of the land tax for the entire fiscal area which was done by guess work. The fifth and final step was the apportionment and appropriation of the fixed amount of land revenue among the villages included in the fiscal area. The villages were left to distribute the village revenue and responsibility for the payment of the same among the land-holders living in the village.<sup>9</sup> The cultivators were specially interested in the last two operations of the settlement—fixation of the revenue and its apportionment among the villages as also the distribution of the incidence of the tax on the individual land holders. And it was here in these last two steps that Bird's settlement was weakest, as we shall see presently.

The Settlement, started in 1833, was made in a humane spirit and gave some amount of relief to the peasantry of the Upper Provinces which came to be known as the Agra Presidency after 1834 and subsequently renamed as the North-Western Provinces while the settlement work was still in progress. Bird and his associates worked diligently over the revision of assessment for nine long years and it was

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<sup>9</sup>Bird's Memorandum dated February 22, 1841, vide Home, Revenue Proceedings, No. 7-8 of August 24, 1844.

only in 1842 that he submitted an exhaustive report on his work before he left for England that year. Still the work of Settlement was not complete when Bird retired, and was continued and completed by the new Lieutenant-Governor, James Thomason, who took over in 1843.

Bird expected very heavy work from his associates and placed before them his personal example. He inspired them so much that they did not hesitate in putting in their best and worked from early in the morning till late at night.<sup>10</sup>

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<sup>10</sup>For the interesting and inspiring daily routine of the Settlement Officers see the *Calcutta Review*. No. XXIV—Article on 'Settlement of the North-Western Provinces. The busy life of this officer is described as follows:—

"We see him (Settlement Officer) in the early morning mist, stretching at an inspiring gallop over the dewy fields. Not unmindful is he of the hare which scuds away from his horse's feet; of the call of the partridge from the brake; or the wild fowl on the marsh. . . . He is on his way to some distant point, where measurements are to be tested, doubts resolved or objections investigated. This done, he returns to his solitary breakfast, cheered by the companionship of a book, or perhaps by letters from a far-distant land—doubtless welcome under such circumstances. The forenoon is spent in receiving reports from the native officers employed under him; in directing their operations; in examining, comparing, analysing and arranging the various information which comes in from all quarters. As the day advances the widespread shade begins to be peopled with living figures. Group after group of villagers arrive in their best and whitest dresses; and a hum of voices succeeds the stillness, before only broken by the cooing of the dove and the scream of the parroquet. The carpet is then spread in the open air; the chair is set; litigants and spectators take their seats on the ground in orderly ranks; silence is proclaimed and the rural court is opened. As case after case is brought forwards the very demeanour of the parties and of the crowds around, seems to point out on which side justice lies. . . ."

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Before Bird settled down to the work of assessment proper, he studied the condition of agriculture, the assessment of land, defects thereof and the nature of remedy the cultivators required. He found the existing land revenue system most defective and corrupt. "Forced transfers of property to unwilling purchasers and mortgagees, forced loans extorted from recusant banker, forced labour required for the cultivation of *mauzas* ( villages ) which from abandonment had fallen into the management of public officers, were among the practices resorted to. . . . .".<sup>11</sup> He also found that the land revenue as fixed in accordance with Regulation VII of 1822 was very high, too excessive and beyond the paying capacity of the agriculturists. Bird reached the conclusion that the peasantry of the Upper Provinces had been much harassed by two things most; first, a very high assessment and, second, short settlements during the first thirty years of British rule.<sup>12</sup> It should be noted in this connection that the land revenue demand by the State had been considerably increased by the high bidders in order to secure the land for cultivation.<sup>13</sup> Thus when Bird started his

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"Strange must that man's character be, and dull his sympathies, who, in the midst of occupations like these, does not find his heart accompanying or lightening his labours. . . . for months together he uses no language, enjoys no society, but theirs ( village peoples' ) . . . . ."

<sup>11</sup>Bird's Memorandum dated February 22, 1842, vide Home, Revenue Proceedings No. 7-8 of August 24, 1844.

<sup>12</sup>R. C. Dutt: Economic History of India in the Victorian Age, p. 35.

<sup>13</sup>For details see "Early Land Settlements in the Upper Provinces" in the *Uttara Bharati, Journal of Research of the Universities of the U. P.*, July 1955, by the present writer.

Settlement, the actual demand of the State was heavier than before. Naturally, a reduction in the demand became necessary. Bird soon realized this and by statistical calculations and arguments he showed that over-assessment was economically unsound, likely to lead to huge arrears of revenue and result in the ultimate impoverishment of the peasantry and the drying up of the final source of all Government income.<sup>14</sup> That was why Bird emphasised that only just demand should be made from the cultivators.

Bird was successful in convincing his superiors of the soundness and usefulness of these views. The Lieutenant-Governor approved of his recommendation and wrote on December 13, 1842, in connection with the Delhi Division: "It will be wise to obtain for some years to come, such a demand as the people can pay without pressure, so as to encourage them to adopt habits of industry. A light assessment now will prove immediately beneficial for the tract of the country and eventually profitable to the State."<sup>15</sup> In the same Minute the Lieutenant-Governor observed regarding the Mathura district that balances in the payment of revenue should be discouraged and that local officers must keep a strict and constant vigilance on the revenue administration. On August 31, 1843, the Commissioner of the Agra Division informed the Board of Revenue that the cultivators of the Mainpuri

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<sup>14</sup>Bird's Memorandum of February 22, 1842, *op. cit.*

<sup>15</sup>Secretary to N. W. P. Government to Board of Revenue, No. 2846, dated December 31, 1842, *vide* Board of Revenue Proceedings No. 34 of March 24, 1843.



district were not willing to enter into engagement with the Government for cultivating the lands at high revenue assessments.<sup>16</sup> The Commissioner reported that Etawa "is a highly settled district in general" and that even when rains failed in 1842, the cultivators were in a position to tide over the crisis "with little difficulty".<sup>17</sup>

Another pillar of Bird's revenue policy was the advocacy of the necessity of irrigation of lands for the improvement and advancement of agriculture. He found that in many districts agriculture was suffering due to the absence of canals and other artificial methods of irrigation. About the Delhi Division, for instance, Bird wrote: "Portions of this Division, irrigated by canals, were well-peopled and prosperous. The Government revenue now assessed was fair. The remaining portion which was not irrigated afforded only a precarious return to the husbandman. .... I consider, therefore, that no increase of resources can be expected from the Delhi Territory on a revision of settlement unless the Government should hereafter open a canal."<sup>18</sup> Similarly, he wrote of the Meerut district that an increase in the land revenue was possible from increased cultivation; "but none could be looked for from enhancement of rates, except what may be obtained by the introduction of canal

<sup>16</sup> Commissioner of Agra, No. 260, on August 31, 1843, to Board of Revenue, vide Board of Revenue Proceedings No. 31 of September 20, 1844.

<sup>17</sup>Ibid.

<sup>18</sup>Bird's Memorandum, vide, Home, Revenue Proceedings, No. 7-8 of August 24, 1844.

irrigation."<sup>19</sup> About the Agra district his observations were identical with those about the Delhi Division and the Meerut district. In Etawa "No future increase is to be expected from it, except from the introduction of canal irrigation",<sup>20</sup> wrote Bird. Not only did Bird write against the enhancement of revenue, he also advocated the opening up of new canals for irrigating the crops—a suggestion which bore fruit very soon in the time of Thomason when many canals were constructed.

The third plank of Bird's settlement was that the agriculturists should be allowed to enjoy full fruits of their labour and the improvement they effected in the soil and the produce by their own initiative. Unless the cultivator was sure of reaping the profits from his investments, he had no attraction to take the initiative and the risk of making any investment for the improvement of the soil. "The only hope", he wrote, about the Agra district, for example, "of any improvement in the products or the mode of cultivation or increase of irrigation must be founded on the agriculturists possessing an assurance that they will reap the whole return of their pains and cost"<sup>21</sup>. This meant that improvement made by the agriculturists should not be taxed and that they should be allowed to introduce better manures, better seeds, and better

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<sup>19</sup>Bird's Memorandum, *op. cit.*

<sup>20</sup>*Ibid.*

<sup>21</sup>Bird's Memorandum of February 22, 1842, *vide* Home, Revenue Proceedings, No. 7-8 of August 24, 1844.

methods of cultivation. The Government fully agreed with the suggestions of Bird, and encouraged agriculture in ways more than one. During the time of the famine of 1837-38 exemptions of revenue were made and money was given to cultivators as grants-in-aid in order to rehabilitate them and alleviate their sufferings<sup>22</sup>. Bird was so successful in his advocacy of the cultivators' cause that the Court of Directors were obliged to consider the question as to "whether an agriculturist, on the renewal of a settlement shall be allowed the full benefit of his improvements, or whether the Government shall be held entitled to a share of the additional value which his capital and industry, aided by other circumstances, have added to the land". Ultimately they agreed with Bird and came to the conclusion that "the only satisfactory principle upon which all future renewals of settlements can be made, will be that reference must be had to the value of the land at the time, a liberal consideration being given for the improvements attributable only to the efforts of the tenant himself, and especially with regard to such as are of a comparatively recent date, and with regard to which he has reaped the advantage only for a short period under the old settlement".<sup>23</sup>

Long before Bird commenced his work, the idea of a permanent settlement in these areas had been given up by the Court of Directors, and they had

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<sup>22</sup>Commissioner of Agra to Board of Revenue, No. 260 of 1843, vide Board of Revenue, No. 31 of September 20, 1844.

<sup>23</sup>Kaye: Administration of the East India Company, p. 271.

ordered that no permanent settlement should be made in future except after their sanction had been obtained<sup>24</sup>. Bird desired that his settlement in the North-Western Provinces should be made of a permanent nature. He expressed the opinion that his Settlement of those areas where most of the cultivable land had been brought under the plough should be considered as final and permanent. His recommendations in this respect were clear and pointed. What the Court of Directors had rejected in 1821, Bird insisted on as late as 1842. He said that for the fully cultivated districts there was no hope for further agricultural improvement and betterment except through permanent settlement of land revenue. The argument that an assurance to the cultivators to the effect that they would reap the full fruits of their pains and labours was necessary for the agricultural improvement had been used by all advocates of permanent settlement from Lord Cornwallis to Lord Wellesley and Lord Minto, and the same arguments were used by Bird. Of Mathura he wrote: "The revenue at its present rate should be confirmed in perpetuity", and the suggestion that "the present assessment ought to be considered perpetual" was made with regard to Etawa. "The demand on Cawnpore should be considered as not liable to increase, and fixed in perpetuity" was his recommendation, and "the rates ought not be enhanced" he emphatically said about Aligarh<sup>25</sup>. Of the six Divisions or the twenty-five

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<sup>24</sup>See Chapter II on Agra in Transition.

<sup>25</sup>Bird's Memorandum of February 22, 1842, vide Home, Revenue Proceedings, No. 7-8 of August 24, 1844.

districts which were surveyed, assessed and reported on by Bird in 1842, he recommended permanent settlement for twenty districts. These twenty-five districts were as follows :—

Division	Districts
Delhi	Delhi, Rohtak, Gurgaon and Hissar.
Meerut	Saharanpur, Muzaffarnagar, Meerut, Bulandshahr, Aligarh and Sardhana.
Rohilkhand	Bijnor, Badaun, Pilibhit, Barcilly, and Shahjahanpur.
Agra	Mathura, Agra, Farrukhabad, Mainpuri, and Etawa.
Allahabad	Kanpur, Fatehpur and Allahabad.
Banaras	Gorakhpur and Azamgarh.

Another valuable recommendation of Bird was with regard to the proportion of land in a village which should be brought under cultivation to the area which should be left altogether uncultivated. This thing had never occurred to any of the previous Settlement Officers. Bird recommended that "one-fifth of the cultivable land should always be left untaxed to allow for raising artificial grasses or other fodder for cattle and to allow for fallows and chance dereliction".<sup>26</sup> This was a very important point, for leaving the land fallow was necessary if it was to recoup its fertility.

In the past different estates, parganas and villages were assessed and their land revenue settled

<sup>26</sup>Bird's Memorandum, op. cit.

at different times of the year and agreements for them entered into separately but for almost the same period of time irrespective of the fact as to when the settlement was made. The result was that neither did their term begin nor end at the same time and, therefore, no uniformity in revenue administration could be effected. The revenue records were most complicated due mainly to this defect. On April 3, 1835, the Sadr Board of Revenue on the recommendation of the Officiating Commissioner of the Agra Division laid it down that "leases of all estates in the same pargana should be of an equal duration"<sup>27</sup>. It was decided that whenever some part of a pargana had already been settled for some period and the term of the settlement of the rest of the pargana was to expire in the middle of the usual period, the period of that particular estate should be extended to bring it into conformity with the rest of the pargana.

When Bird started his settlement in 1833, it was decided that the beginning should be made from the bottom of the ladder. Arrangements were made to introduce an improved system of preparing and maintaining the patwari's records all over the province. The result of the step was that a large number of patwaris who were inefficient or insufficiently qualified, were dismissed from their services.<sup>28</sup>

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<sup>27</sup>Turner, Agra Commissioner, to Collector of Mathura on March 20, 1835, vide Board of Revenue Proceedings, No. 45-46 of April 3, 1835.

<sup>28</sup>Board of Revenue Proceedings No. 38 of March 24, 1843. The number of patwaris dismissed in 1833 was as under : [Contd.]

Another change introduced in the administration of revenue at this time was the adoption of the Hindi language in place of the Persian as the medium of official transactions. "All the oral communications of the revenue officials of every class with the people are in the vernacular dialect. It is obviously desirable that all the records and the written communications should be in the same language similarly intelligible to this great body of the people.....<sup>29</sup>" This was a highly significant change, for Persian, the language of the Mughal Emperors, was not the language of the people and they found great difficulty in getting their work done in a language they did not know. The change was brought about, however, only in Bundelkhand and Saugor and Narbada Territories to begin with, where nagari script and Hindi language were almost universally used.<sup>30</sup>

Up to the year 1839 land revenue used to be collected in eight or nine instalments falling due on the first of each month of the fasli year or from October to June. The collections began on the first of each Hindu month, while the amount did not appear in the Government accounts till the first of the next or the following Christian month. This gave rise to much confusion in the compilation of records and accounts.

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Delhi Division 196; Meerut Division 464; Rohilkhand 231; Agra 163; Allahabad 1054; Banaras 415, Saugor Territory nil, Total North-Western Provinces: 2,523 patwaris.

<sup>29</sup>Secretary Board of Revenue to Commissioners of Divisions on July 29, 1836, vide Board of Revenue Proceedings, No. 32 of July 29, 1836.

<sup>30</sup>Ibid.

It also caused a lot of inconvenience and there was always a possibility of embezzlement of money.<sup>31</sup> Moreover, the land revenue had to be paid by the agriculturists before the crop was removed from the field, which caused great hardship. The instalments of revenue fell due before the crops, from which they were to be paid, could be cut. Collectors and tahsildars were empowered to place watchmen over the crops, so as to prevent their removal, before the Government demand was paid or security furnished for its ultimate payment.<sup>32</sup> William Rushton called this system "the rude device of a state of society, where there was little security for life or property and where property had consequently lost its value."<sup>33</sup> The injustice of such a system was recognized by the Lieutenant-Governor and, therefore, by Thomason's Circular No. II dated January 11, 1840, addressed to the Sadr Board of Revenue "the number of instalments was first fixed at four in the year; and November 15, December or January 15 determined as dates on which the first instalments upon the autumn or Kharif crops were to be demanded and April 15, May 15 or June 15 as the dates on which the instalments upon the spring or Rabi crops were to be demanded".<sup>34</sup> Soon

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<sup>31</sup> Thomason: Despatches & Minutes of the late Hon'ble James Thomason, Vol. I, p. 127; Rushton: Almanac for 1850, part II, p. 20.

<sup>32</sup> Regulation XXVII of 1803.

<sup>33</sup> William Rushton: Almanac or Year Book for the North-Western Provinces and the Punjab for the year 1850, Part II, p. 20.

<sup>34</sup> Thomason: Despatches & Minutes of the late Hon'ble James Thomason, Vol. I, p. 129.



after this, however, by Circular III of August 28, 1840, the demand on the Rabi crop was further postponed, "so as not to fall earlier than May 1 and June 1 or altogether in the new civil year of account".<sup>35</sup> This new instalment system was useful and convenient to the Government, as the accounts could now be maintained properly without much trouble and confusion. It was useful also to the cultivators as now they were allowed to sell the produce of their fields and thus collect sufficient money for the payment of the land revenue. The cultivators were relieved and felt greatly indebted to the Lieutenant-Governor for this reform.

Still another change was introduced by Bird with regard to the sale of land for arrears of payment of the land revenue. It coparcenary holdings in which the land was held by many co-sharers as one unit all sharers belonging to one common stock were responsible for the payment of their own share of the land revenue, of course, through a representative, usually the headman.<sup>36</sup> Whenever a certain member of the

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<sup>35</sup>Thomason to Lord Ellenborough No. 2263 dated June 15, 1844, vide Thomason Despatches, Vol. I, p. 129.

<sup>36</sup>R. M. Bird said about these village communities and the headmen:—"I found the people there (N. W. P.) do not hold property in a manner known to the laws of England. They are neither joint nor common tenants, nor coparceners, as we call it, although the land is possessed by very extensive families who may properly be called Tribes, who hold separate portions of land within the common boundary, each man being the master of his own portion, responsible for the revenue to Government and managing it in his own manner in a certain degree independent of his brethren, though connected with them. . . . a person whose name was on the Government books

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village community did not pay his share of the revenue either due to carelessness or consciously, the whole village was held responsible for the payment of the unpaid land revenue, as the responsibility for payment was joint.<sup>37</sup> This created complications for the Government, bad blood and ill-feelings among the people of the village and much confusion in land revenue administration and ultimately led to the sale of land. The new Settlement introduced a new law which gave to the coparcenary cultivators also the privilege of separate responsibility whenever and wherever they wanted to exercise it. The shares of the different members of the village community were clearly marked, distinctly parcelled out and recorded and each single defaulter was penalized individually by the sale or the loss of his own land. But a single sale of land would have introduced the evil of giving a foothold to an outsider in the life of the village community. Therefore, it was thought proper to give the right of pre-emption to the other share-holders of the community, so that they might purchase the land of the defaulter and thus save their identity and unity if they so desired. Thomason wrote about this in September 1848: "In practice, it is customary to attempt to realize first from the individual, then to

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was a headman or agent on the part of the Government, but with no right to property than everyone of those persons possessed, and holding his own piece of land or his own number of fields just in the same manner in which others interested in the village held their land, each quite separately from all the other properties."—Commons Report, 1852-53, Volume XXVIII Question No. 5576.

<sup>37</sup>Temple: James Thomason, p. 151.

offer his property to any coparcener who will pay up the arrears, and if no one accepts the offer, then to hold the entire body jointly responsible for the balance"<sup>38</sup> Thus the village community was given the option of either purchasing land of the defaulter, or accepting the responsibility of paying the revenue for the land if they were not prepared to allow it to go into the hands of outsiders and strangers.

When Bird's Settlement was made, it was proposed to levy a special charge upon the agriculturists for the creation of a road fund for constructing new roads joining the different parts of the province and thus facilitating transport and communications and encouraging trade and commerce. This special cess, which was a small percentage of the revenue of the tract, was opposed by the people and disliked by them.

Another unpopular reform of this time was the establishment of a village police which was paid by the village in the form of another small cess. Both these taxes were highly resented by the cultivators in the beginning and the people, not realizing their usefulness to themselves, were not prepared to pay for either the roads or the village police. It took them a long time to realize that the road fund and the village police were meant in the long run not to be a liability but an asset to them.

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<sup>38</sup>Thomason; Despatches & Minutes, Vol. II. See also Kaye: Administration of the East India Company, p. 265n.

Most of the important portion of the Settlement had been completed by Bird by the time he retired from the Board of Revenue in 1842. He assessed the land and settled the revenue of the following districts<sup>29</sup>:—

Division	Districts	Bird's Assessment	Difference from the former demand	
		Rs.	Increase	Decrease
DELHI	Delhi	3,63,370	}	nominal
	Rohtak	6,28,310		
	Gurgaon	10,14,240		
	Hisar	3,80,200		
MEERUT	Saharanpur	10,03,587	66,777	
	Muzaffarnagar	6,72,740	88,303	
	Meerut	17,29,325	1,27,250	
	Sardhana	4,56,289	43,973	
	Bulandshahr	8,24,208	29,384	
	Aligarh	19,64,486	43,376	
AGRA	Mathura	15,81,609	99,653	
	Agra	13,83,040		58,630
	Farrukhabad	15,47,945		52,770
	Mainpuri	13,41,669	45,508	
	Etawa	13,10,938		1,58,213
ROHIL- KHAND	Bijnor	9,49,704	(earlier assessment missing)	
	Badaun	10,28,151		44,485
	Pilibhit	3,78,324		92,529
	Bareilly	12,61,140		63,473
	Shahjahanpur	10,27,075		68,073
	Kanpur	21,81,540		1,42,461
ALLAHA- BAD	Fatehpur	14,18,933	86,608	
	Allahabad	21,56,501	1,67,735	
BANARAS	Azamgarh	15,15,049	1,03,290	
	Gorakhpur	20,83,546	13,20,619	

<sup>29</sup>Bird's Memorandum of February 22, 1842, vide Home, Revenue Proceedings, No. 7-8 of August 24, 1844. Also see House of Commons Report from Committee, 1852, Vol. X.

Bird compiled his Settlement Report<sup>40</sup> on February 22, 1842; and submitted it to T. C. Robertson, then Lieutenant-Governor of the North-Western Provinces, who went through it and wrote a careful and detailed Minute on April 13, 1842. But, as the whole of the North-Western Provinces could not be assessed and settled by Bird by the year 1842, his assistants and successors continued the work to its completion.

*Robertson's Minute on Bird's Settlement*

Lieutenant-Governor Robertson recognized that Bird's Settlement was carried on with consideration and judgment and that his intention had never been to increase the land revenue demand. He approved Bird's recommendation that land revenue should be collected in four easy instalments spread over the year. He also recognized the value of demarcation of boundaries and the correction and proper maintenance of the records emphasised upon by the new Settlement.

Robertson, however, did not agree with some changes suggested by Bird. He did not approve of the suggestion of appointing a paid watchman by the Government in every village. He was against too much interference of the Government in the affairs of the villages. "To keep up a record of the circumstances of every field there must be a constant interference of the executive in the affairs of the village, or it may be said, of every villager, which would be

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<sup>40</sup>Bird's Memorandum on the Land settlement in the North-Western Provinces, Vide Home, Revenue Proceedings, No. 7-8 of August 24, 1844.

irksome to any people".<sup>41</sup> He was opposed also to the resumption of the rent free or *muafi* lands. "The Settlement Officer", he wrote, "swept up without enquiring every patch of unregistered rent-free land, even those under ten bighas (three acres approximately) exempted by a subsequent order, which did not come out before five-sixths of the tenure had been resumed. In one district, that of Farrukhabad, the obligations of a treaty and the direct orders of the Government were but lightly dealt with; and in all a total disregard was evinced for the acts even of such men as Warren Hastings and Lord Lake."<sup>42</sup>

Robertson also did not approve of the manner in which the rights of the hereditary landlords were interfered with by Bird's Settlement and felt dissatisfied on that account. It is an undeniable fact that the tendency of Bird's Settlement operations was towards the disruption of the old big estates and levelling up of the landholders. The people who were most dissatisfied with the Settlement conducted according to Regulation IX of 1833 were the zamindars and talukdars. "They found their power of extorting money from the ryots very much curtailed... The talukdars... not only had their very power of exacting rent limited, but they were actually discharged altogether from the management of those estates... so that they lost both in money and in position".<sup>43</sup>

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<sup>41</sup>Robertson's Minute on land revenue settlement operations, dated April 15, 1842.

<sup>42</sup>Ibid.

<sup>43</sup>F. H. Robinson, Question No. 6304, Commons 4th Report, 1852-53, Vol. XXVIII.

The Settlement Officers seem to have treated the big landlords and talukdars—the landed aristocracy of the province—as usurpers and *persona non grata*, and seem to have utilized every opportunity of reducing them economically and socially. This reduction of the landlords' prestige and power was done in a very arbitrary manner, and was carried out precipitately. Robertson gave examples, in support of his argument, of some loyal chiefs and talukdars. The Raja of Mainpuri, for instance, who had rendered signal service in 1804 when the Holkar invaded the Ceded and Conquered Districts, "was, without reference to the Government, deprived entirely, he and his successors in perpetuity, of all power of interference in 116 out of the 158 villages included in his taluka, which had descended to him in regular succession before the introduction of the British rule."<sup>4</sup>

Robertson shared the views of Lord Cornwallis—that of ruling India through the agency of big landlords and zamindars. He did not like the destruction of the talukdars and expressed grave doubts as to the utility, practicability and foresight of the scheme of Bird which aimed at establishing, as far as possible, direct relations between the village community and the State. To the Lieutenant-Governor Bird's Settlement appeared to be "of a decidedly levelling character and calculated so as to flatten the whole surface of society as eventually to leave little of

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<sup>4</sup>Robertson's Minute on the Land Revenue Settlement operations, dated April 15, 1842.

distinguishable eminence between the ruling powers and the cultivators of the soil." Robertson sensed danger in this policy of doing away with the zamindars and other middle-men between the cultivator and the State, and remarked:<sup>45</sup> "It is a fearful experiment, that of trying to govern without the aid of any intermediate agency of indigenous growth; yet it is what it appears to me, that our measures, now in progress, have a direct tendency to bring about."

The interference of the Government in the village affairs and the levelling character of the land revenue administration, deplored by Robertson in 1842, became more clearly noticeable with the lapse of time. The patwari, appointed by the Government, was paid by the village people, but guarded the interests of the Government as opposed to those of the people. Sometime after Robertson penned his Minute, the patwari became "the master of the situation",<sup>46</sup> and began to lord it over the illiterate cultivators.

#### *Thomason Completes Bird's Work*

Robertson's successor James Thomason, Lieutenant Governor for the next ten years, however, agreed with the views of Bird and, therefore, continued the work of the Settlement of land revenue in accordance with Regulation IX of 1833 and brought it to its completion in 1849.

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<sup>45</sup>Robertson's Minute on the Land Revenue Settlement Operations, dated April 15, 1842.

<sup>46</sup>R. G. Dutt: Economic History of India in the Victorian Age, p. 43.



Thomason's most valuable contribution to the land revenue administration was his famous 'Directions for Settlement Officers', drawn up in 1844. This was the first complete land revenue code compiled in India during the British period. The 'Directions' consist of 193 paragraphs and are very detailed and complete in almost all matters they deal with. Another work of Thomason was a volume entitled 'Directions to Collectors'. Both of them proved to be of great use in the revenue administration of the North-Western Provinces. He also began a Revenue Code during the last years of his life, which, however, was left incomplete due to his sudden death.<sup>47</sup>

In order to understand the working of the revenue administration properly and for evaluating the impact of the various land revenue assessments, introduced from time to time, the distinction between 'produce' and 'assets' should be borne in mind. 'Produce' means the quantity of grain or other product actually yielded by the land to the cultivator. 'Assets' in the technical sense mean the land-holder's income or the amount of money he would receive from the cultivators of the soil who are his tenants.<sup>48</sup> According to the assessment made in accordance with Regulation VII of 1812, the Government was entitled to 8½ per cent of the gross rental or assets of the estates as its land revenue. This, indeed, was a very

<sup>47</sup>Temple: James Thomason, p. 99. Commons Report, Accounts and Papers, Public Works, 1852-53, Volume LXXV gives an account of these works of Thomason.

<sup>48</sup>Moreland: Revenue Administration of the U. P. p. 48.

heavy tax and the cultivators were hard pressed owing to the excessive demand of the State. To Lord William Bentinck goes the credit of reducing this land revenue demand in 1833 to 66 per cent of the gross rental. Bird in his Settlement had enforced this rate of land revenue demand. Thomason recorded this in his 'Directions for Settlement Officers' thus: "32. It is desirable that the Government should not demand more than two-thirds of what may be expected to be the net produce to the proprietor during the period of settlement, leaving to the proprietor one-third of his profits, and to cover expenses of collection. By net produce is meant the surplus which the estate may yield, after deducting the expenses of collection, including the profit of stock and wages of labour; and this in an estate held entirely by cultivating proprietors, will be the profit of their *Sir* cultivation, but in an estate held by non-cultivating proprietor and leased out to cultivators or *asamees* paying at a known rate would be the gross rental."<sup>8</sup>

According to Thomason a cultivator who has been cultivating a certain field and has agreed to pay a fixed revenue, cannot be ejected from his holdings so long as he continues to pay the stipulated sum of money; and if he cannot pay the money for some time, a chance should be given to him before he is ejected from the land. The Directions were: "128. Cultivators at fixed rates have a right to hold certain fields

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<sup>8</sup>Thomason: Directions for Settlement Officers. Also see Commons Report, East India, Accounts and Papers, 1852-53, Vol. LXXV.

and cannot be ejected from them so long as they pay those rates. If they fail to pay the rent legally demanded, the proprietor must sue them summarily for arrears, and on obtaining a decree in his favour and failing after it to collect his dues, he may apply to the Collector to eject them and to give him possession of the land."<sup>30</sup> This direction greatly curtailed the power of the zamindars and talukdars who could not now eject the tenants at will.

As regards the various sharers of the village communities the Directions stated: "154. When there are many coparceners (as in village communities), it is usual to select one or more of their member and to arrange that the others should pay their revenue through them to the Government. All the coparceners are *Malguzars* (revenue payers) or *Pattidars* (holders of land in severalty), but the persons admitted to the engagement are the *Sadr Malguzars* (revenue payers to the State direct) and are commonly called *Lambardars*."<sup>31</sup>

### *A General Review*

A very important plank on which the Settlement of Bird was based was the record of rights from which the name of the holder or landlord of a certain estate or field could be known. It was to be scrupulously maintained and consulted by the Settlement Officers. "159. The Record (of Rights) is to be permanent;

<sup>30</sup>Thomason: Directions for Settlement Officers. Also Commons Report, East India, Accounts and Papers, 1852-53, Vol. LXXV.

<sup>31</sup>Ibid.

it is to be, as it were, the Charter of Rights. . . . It is to be the common book of reference to all Officers of Government in their transactions with the people."<sup>52</sup> It was the record of rights which was instrumental for the levelling character of the revenue settlement of 1833. But it was essential to ascertain as to who the rightful proprietor of an estate in question was. Now, however, it was too late, and hence the complications. Had it been prepared immediately after the East India Company took possession of the North-Western Provinces, the large number of cases of the sale of land, the *benami* transactions, corruption among the ranks of the tahsildars, etc., might not have taken place.<sup>53</sup>

The settlement of the North-Western Provinces according to this scheme of assessment was completed in 1849, and after the Governor-General's sanction it was placed before the Court of Directors. The Court of Directors in their important despatch dated August 13, 1851, reviewed the whole Settlement in detail. But, before the Settlement reports reached the Court, Bird's assessment had been revised and his demands reduced by the exemptions of many rent-free tenures and remissions of land revenue after he left India in 1842. Therefore, the figures in the Despatch of the Court are different from those of Bird's Memorandum. The figures now were<sup>54</sup>:-

<sup>52</sup>Ibid.

<sup>53</sup>For these abuses see chapter II on Agra in Transition.

<sup>54</sup>Court of Directors to the Governor-General of India on August 13, 1851 No. 9, vide House of Commons, Report from Committees, 1852, Vol. X, Appendix XIX.

Division	District	Assessment according to the Despatch of the Court of Directors
DELHI	Delhi	3,57,949
	Rohtak	6,28,316
	Gurgaon	10,88,485
	Hisar (or Hariana)	3,80,200
	Karnal (or Panipat)	8,07,788
MEERUT	Saharanpur	9,04,438
	Muzaffarnagar	6,72,740
	Meerut	— — —
	Bulandshahr	1,27,574
	Aligarh	6,83,153
AGRA	Mathura	15,50,548
	Agra	15,54,010
	Farrukhabad	9,21,739
	Mainpuri	13,82,132
	Etawa	13,11,038
ROHIL- KHAND	Bijnor	8,27,553
	Moradabad	13,34,634
	Badaun	5,20,714
	Pilibhit	3,75,897
	Barcilly	10,07,062
	Shahjahanpur	10,27,075
ALLAHA- BAD	Kanpur	21,81,540
	Fatehpur	— — —
	Hamirpur	6,71,833
	Kalpi	6,03,784
	Allahabad	21,89,957
BANARAS	Azamgarh	13,57,415
	Gorakhpur	— — —
	Jaunpur	12,31,332
	Mirzapur	6,70,680

The striking differences in the land revenue demand between the two dates referred to above are

to be found in the cases of (a) the districts of Agra, Allahabad, Gurgaon, and Moradabad which show an increase, probably because when Bird relinquished his office the settlement of these districts was not complete, and (b) the districts of Bareilly, Bijnor, Farrukhabad, Fetehpur, and Saharanpur which show a fall in the demand, mainly due to the exemption of the rent-free lands from the payment of revenue and also due to exemptions made otherwise.

Comparatively speaking, Bird's Settlement was the first healthy and scientific assessment of land revenue demand in the province. The results of the Settlement at a first glance show that in a major portion of the province the land revenue progressively increased under it and the cases of the sale of land for default of the payment of revenue steadily diminished. J. W. Kaye has estimated that in the course of six years, i. e., 1842-43 to 1847-48 the amount of property sold due to the non-payment of land revenue had decreased from Rs. 2, 59, 686 to Rs. 40, 616, i. e., by more than five-sixths<sup>55</sup>. All this points to the fact that people were now much better off than what they were before. This is confirmed from a statement of the land revenue demand and collections and the arrears that remained unrealized for ten years<sup>56</sup>—1838-39 to 1847-48 :—

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<sup>55</sup>Kaye: Administration of the East India Company, p. 262.

<sup>56</sup>Court of Directors to Governor-General of India, No. 9 of August 13, 1851, vide House of Commons Report, 1852, Vol. X, Appendix XIX, p. 908.

Year	Demand	Collected	Balance
1838-39	Rs. 4,55,48,990	Rs. 3,63,02,151	Rs. 92,46,839
1839-40	4,12,06,686	3,56,52,810	
1840-41	3,76,42,610	3,47,04,023	
1841-42	4,16,19,038	3,88,33,573	
1842-43	4,39,18,901	4,04,88,123	
1843-44	4,34,94,154	4,11,05,143	
1844-45	4,34,58,828	4,12,87,443	
1845-46	4,30,18,371	4,20,03,415	
1846-47	4,30,77,005	4,23,21,220	
1847-48	4,29,21,660	4,24,85,823	4,35,836

The period began with a large demand of which more than Rs. 92 lakhs remained unrealized balance; the period ended with a reduced demand and nearly the whole of it was realized leaving only Rs. four lakhs in balance. The total collections during the period increased from Rs. 3,63,02,151 to Rs. 4,24,85,823.<sup>57</sup>

In the early years of the enforcement of Bird's assessment, the collection of revenue was comparatively easy, for the people felt some relief after years of extortion and heavy demand. The Revenue Administration Report for 1841-42 records satisfactory collections in most of the districts. The Delhi Division was satisfactory, while reports from the Meerut Division were "very encouraging" where "the revenue is easily collected."<sup>58</sup> The Revenue Administration Report for 1843-44 says that in the Agra Division "the collections are easily and regularly made. . . . The condition of the districts is generally

<sup>57</sup>Court of Directors to the Governor-General, No. 9 of August 13, 1851, op. cit.

<sup>58</sup>Secretary Board of Revenue to Secretary, North-Western Provinces Government, No. 129 of 1843, vide Board of Revenue Proceedings, No. 37 of March 24, 1843.

prosperous."<sup>59</sup> Again, the Commissioner of Agra reported in his Revenue Administration Report for 1845-46: "Collections are increasing every year since 1843.....The revenue is now collected with greater ease."<sup>60</sup> Reviewing the Settlement, the Court of Directors praised R. M. Bird "as being eminently entitled to our marked and special approbation."

In spite of these good features, there were some defects and weaknesses in Bird's Settlement which called for some changes in his assessment even before it could be forwarded to the Court of Directors for their approval and sanction.

While making the assessment, Bird proceeded by a wrong method. He put the cart before the horse in as much as he fixed the demand first for the entire fiscal area and as a second step apportioned it among the various estates and villages in that fiscal area or pargana. A better and a more scientific method would have been to start from the field or the village or the estate and then only go to the fiscal area. This, however, was not done.

The second great defect that marred Bird's Settlement was that his demand was decided by only a guess-work. The rental of the entire fiscal area was ascertained by the Settlement Officer as a guess-work, and this proved to be the greatest flaw in the

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<sup>59</sup>Commissioner of Agra to Board of Revenue on December 12, 1844, vide Board of Revenue Proceedings, No. 30 of May 16, 1845.

<sup>60</sup>Commissioner of Agra to Board of Revenue on October 26, 1846, vide Board's Proceedings, No. 137 of October 5, 1847.



Settlement.<sup>61</sup> Bird's Settlement was the weakest in those two points in which the agriculturist was most interested—assessment of the revenue and its apportionment among the various land-holders. Regarding this assessment by guess-work Bird writes: "We then proceeded to investigate the assessment of the Government tax upon that tract (fiscal area), finding out, as best we could from the previous payments and from the statements of the people themselves, from the nature of the crops and the nature of the soil, and such various means as experience furnished us, what might be considered a fair demand for the Government to lay upon it."<sup>62</sup> The produce was not scientifically measured or ascertained.

The above method naturally left many loopholes in the assessment and the widest latitude was given to the Settlement Officers. The agriculturists, too, could not be very sure of their liabilities, for no two Settlement Officers could fix the same demand, as it was fixed by guess-work and there was no hard and fast rule. Every revision produced fresh and completely different records.

The land revenue was not only uncertain, it was also excessive and beyond the paying capacity of the cultivator. Rule No. 52 of Thomason's Code had fixed two-thirds or 66 per cent of the rental as the maximum limit. Relatively speaking in connection

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<sup>61</sup>Moreland: Revenue Administration in the U. P., p. 35.

<sup>62</sup>Bird's Memorandum, vide Home, Revenue Branch Proceedings, No. 7-8 of August 24, 1844.

with the past, this (Thomason's) was a lower demand, for the earlier administrators had demanded 83 per cent of the rental in accordance with Regulation VII of 1822. In reality, even 66 per cent was a very heavy demand and was beyond the paying capacity of the cultivators. But, as they had to pay it, they were left resourceless and more impoverished and could make no provision for the 'rainy day.' Landlords as well as proprietary cultivators were hard pressed even by a 66 per cent demand. It had been realized in a number of cases that a decrease in demand was essential for easy and full collection of land revenue. For instance, when "sanction was obtained for a decreased land revenue demand for the Farrukhabad district" in 1846-47, "the state of collections improved due to the lightness of assessment" in a district which was usually notorious for arrears of revenue.<sup>63</sup> The same report says of the Mainpuri district: "The aggregate demand of revenue in 1846-47 was less than that of 1845-46 by Rs. 23, 945, but the collections were larger by Rs. 41, 768."<sup>64</sup> The revenue demand was lowered only when it was found that cultivators could not pay the demand made in accordance with Bird's Settlement and that there were large arrears of revenue in most of the districts of Banaras and Agra Divisions besides the others.<sup>65</sup> This state of affairs was marked most

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<sup>63</sup>Revenue Administration Report for 1846-47, vide Board of Revenue Proceedings, No. 87 of August 15, 1848.

<sup>64</sup>Ibid.

<sup>65</sup>North-Western Provinces Government to Board of Revenue, No. 2846 dated December 31, 1842, vide Board of Revenue Proceedings, No. 34 of March 24, 1843.

in the Mathura, Agra, Farrukhabad, Mainpuri, Gorakhpur, Azamgarh, Banaras, Ghazipur, Mirzapur, and Jaunpur districts,<sup>66</sup> and the cultivators were not ready to enter into engagement with the Government for cultivating the land at high revenue assessments.<sup>67</sup> These defects, however, were not realized by the Directors in 1851 and they signed the Despatch fixing the revenue at 66 per cent of the rental.

The total area of the North-Western Provinces was 4,60,70,658 acres of which 3,29,28,932 acres was cultivated; 17,33,443 acres was rent-free, while 1,14,08,283 acres was barren.<sup>68</sup> The land revenue demand in Indian currency<sup>69</sup> was as follows :—

Total Area	Rs. 0-14-1
Assessed land	Rs. 1- 3-8
Cultivated land	Rs. 1-12-1

It is fortunate that the above details were available for the North-Western Provinces. The Parliamentary Committee (Lords) regretfully says: "No means exist in this county (England) for the preparation of similar statements for the Lower Provinces of Bengal or for the Presidency of Madras or Bombay,"<sup>70</sup> while records in India were lost in 1857-58.

<sup>66</sup>North-Western Provinces Government to Board of Revenue, No. 2846 of December 31, 1842.

<sup>67</sup>Agra Commissioner to Board of Revenue, No. 260 of 1843, vide Board of Revenue Proceedings, No. 31 of September 20, 1844.

<sup>68</sup>P. W. Prideaux, Question No. 5300, Commons Report, 1852-53, Vol. XXVIII.

<sup>69</sup>Lords Third Report. 1852-53. Volume XXXIII, Appendix C.

<sup>70</sup>Ibid.

Crooke has estimated that, on an average, in the North-Western Provinces "each individual has to make his living out of less than one acre of tillage." Conditions varied from district to district. In the Azamgarh district, for instance, each person "has to subsist on about half an acre", while in the Meerut district the average was  $1\frac{1}{2}$  acres per head. In Bundelkhand it was about two acres per head.<sup>71</sup>

*The Saharanpur Rules, 1855*

Time was now approaching for a new Settlement. Experience had shown that Regulation IX of 1833 and the Settlement conducted under it was by no means perfect. When the question of the next Settlement was taken up, the rates of the Government demand came under heated discussion. The 66 per cent demand as fixed by Bird and Thomason had proved to be excessive and had not encouraged more land being brought under the plough. It became necessary for Colvin, the new Lieutenant-Governor, to revise Thomason's Rules.<sup>72</sup> The new directions were issued in 1855 "designed to assist the Collector in points which have been omitted from or not sufficiently detailed in 'the Directions for Settlement Officers' or on which rules different from those laid down in that treatise have been subsequently issued by the Government."<sup>73</sup> These new rules were first issued in connection with the Settlement of the Saharanpur

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<sup>71</sup>W. Crooke: *The North-Western Provinces of India*, p. 321.

<sup>72</sup>A Colvin: John Russell Colvin, pp. 171-172.

<sup>73</sup>Saharanpur Revenue Rules of 1855.

district when the new Settlement was started there. Therefore, they came to be known as 'the Saharanpur Rules' issued in 1833.

The Saharanpur Rules mark an epoch in the history of land revenue administration in the province. Under these rules records were prepared, as before, by the village patwaris; but the rates to be used in valuing land were arrived at less on general grounds than from a study of the rents actually claimed by the land-holders—a study rendered possible by the increased accuracy of the land records of the Government. More qualified and educated patwaris had already been appointed and the system of record-keeping improved. The rates were then applied to the land of each village and the resulting valuation was compared with the actual rental, and the revenue fixed after a consideration of the two valuations. Thus these Settlements were based more on an enquiry of facts and less on conjecture than the Settlement made under the Regulation of 1833 or that of 1822. Now onwards more attention was paid to the peculiarities of each individual village, since where the two valuations gave different results, it was necessary to find out the reason for the difference.<sup>76</sup>

The most important of the Saharanpur Rules is Rule No. XXXVI which reduced the land revenue demand of the State from 66 per cent to 30 per cent of the net assets or rental of an estate. It reads: "The assets of an estate can seldom be minutely ascertained,

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<sup>76</sup>Moreland: Revenue Administration of the U. P., p. 42.

but more certain information as to the average net assets can be obtained now than was formerly the case. This may lead to over-assessment, for there is little doubt that two-thirds or 66 per cent is a larger proportion of the real average assets that can ordinarily be paid by proprietors or communities, in a long course of years. For this reason the Government had determined so far to modify the Rule laid down in paragraph 52 of 'the Directions for Settlement Officers' as to limit the demand of the State to 50 per cent of the average net assets. By this it is not meant that the jumma (assessment) of each estate is to be fixed at one-half of the net average assets, but that in taking these assets with other data into consideration, the Collector will bear in mind that about one-half and not two-thirds as heretofore, of the well-ascertained assets should be the Government demand.<sup>75</sup>

The 66 per cent demand by the Government had damaged the village economy; it proved to be a huge burden on the peasant who could not pay his land revenue easily. Much property had been mortgaged and a sufficiently large number of cultivators had come under the sale law. These things made themselves felt and consequently the Government of the North-Western Provinces had to make reduction in its land revenue demand from time to time. When Colvin decided to reduce the land revenue demand in the province, he did what was right and just.<sup>76</sup>

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<sup>75</sup>Saharanpur Revenue Rules of 1855.

<sup>76</sup>A Colvin: John Russell Colvin, p. 172.

This Rule guided the land settlement and land revenue administration in the province to the end of the nineteenth century. The Settlement under these Rules, which began in 1855, was interrupted by the Revolt of 1857-1858; but it was resumed after the disturbances were over. The 50 per cent demand was extended over all parts of India which were not permanently settled, i. e., to the Central Province, to Awadh, and to the Punjab after their annexation or formation.

The Saharanpur Rules introduced almost a uniform rate of land tax in the permanently settled areas of the Bengal Presidency and in the North-Western Provinces, in both of which it was now  $1/2$  of the rental or 50 per cent of the assets. In the Bombay and Madras Presidencies also it was fixed at  $1/2$  of the economic rent in 1854. The differences between the land revenue administration of the North-Western Provinces and that of the Bombay Presidency were three. In the North-Western Provinces assessment was made upon estates comprising many proprietors or coparceners—village communities; in the Bombay Presidency each field and each cultivator was assessed separately as there it was ryotwari system of tenure, while in the North-Western Provinces it was pattidari and village community system. Again, in this province there was a system of joint responsibility of all coparceners for the payment of the land revenue and it was paid through the lambardar of the village; in the Bombay Presidency each cultivator was separately responsible for the payment and paid it direct

to the State. Thirdly, in the North-Western Provinces assessment was made for the entire estate or village and the proprietary cultivators in a village or the villages collectively could protest against heavy or unjust assessment with some effect, while the small Bombay cultivator had no voice and had little chance of redress from an unjust assessment.

## II

### NON-AGRICULTURAL REVENUE

#### *Rahdari Or Transit Duty*

Every ruler, nawab, zamindar and land-holder in the pre-British times charged a toll tax when any commodity or merchandise passed through his territory. This practice told adversely on the trade, commerce and industries of the country. Jonathan Duncan, Resident at Banaras, reported towards the end of the eighteenth century that "grain sent from Narwan to Banaras, a distance of 20 miles, had to pay transit duties 22 times. . . ." <sup>77</sup> In order to relieve the commerce of the newly conquered areas from these oppressive taxes, Regulation XXXVIII of 1802 was passed by the Governor-General-in-Council whereby the earlier system was replaced by a regular and defined customs duty. The regulation fixed the import duty at five per cent *ad valorem* and export duty at 2½ per cent *ad valorem*. Customs houses were established in every district. The regulation did not, however, affect duties on articles sold in bazars or ganjes. The 'ganj

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<sup>77</sup>Jonathan Duncan, vide Dewar: *Hand Book to the English Pre-Mutiny Records*, p. 13.



duty' was retained up to 1805 and then replaced by 'town duties' imposed on all articles of trade which was usually four per cent *ad valorem*.<sup>78</sup>

In 1804 regulation XI re-imposed transit duties on ninety articles, including cotton piece-goods, shawls, silk, blankets, furniture, indigo, tobacco, sugar, ghee, drugs, pepper, spices, saltpetre, soap, hides, leather and charcoal. Grain, bullion, jewels and articles imported from Europe, however, did not pay transit duty in the Upper Provinces. The following twelve Customs Houses were established: Agra, Allahabad, Aligarh, Bareilly, Etawa, Farrukhabad, Gorakhpur, Kalpi, Kanpur, Meerut, Moradabad and Saharanpur. Banaras and Mirzapur Customs Houses were already there, thus making a total of fourteen Customs Houses in the Upper Provinces. The Regulation also established *chaukis* on principal roads, ghats and ferries for the collection of the *rahdari* or transit duties. For this purpose the districts were divided into *chaklas* and the *chaklas* had a number of *chaukis*. The collection of transit duties was made by the *chaukis*, but it was to be paid every time the commodity passed from one *chakla* to the other. Every commodity passing through a *chakla* was examined by the *darogha*, and a *rawana* or permit issued by him enabled the goods to pass through the remaining *chaukis* of the *chakla* without paying the tax again. On entering another *chakla*, the article had

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<sup>78</sup>Jonathan Duncan, vide Hand Book to the English Pre-Mutiny Records, p. 13.

to pay a fresh tax and obtain a new rawana from the darogha of the second chakla.<sup>79</sup>

The Collectors of Customs, who were not Collectors of Revenue also, received a commission of five per cent on the collections made by them. The result of this revenue-sharing was corruption and an attempt to increase the amount realized. Daroghas as a class were very corrupt people and accepted huge bribes and other gratifications. As Trevelyan has rightly remarked: 'Should any merchant be ever inclined to be honest, it is really almost out of his power to do so. Suppose, for instance, that a merchant has a rawana for the conveyance of 1,000 maunds of salt. The *karmadah* or the chaprasi will first demand a certain sum. The owner of the salt will object to give it. The native officer will then say: 'I must weigh the salt, for I suspect you have an excess'. Suppose the dispatch to consist of 20 hackeries, their contents would take three days to weigh and the merchant in this way would lose Rs. 60 on the hire of carts during these three days. He would then after consultation offer a bribe of Rs. 20 to the Karmadah, etc., rather than suffer the great loss of Rs. 60 by detention.....The smuggler pays his regular fee of 2 annas per maund.....'<sup>80</sup> Another contemporary, M. C. Hickie, recorded: "From the darogha to the chaprasi, from the whole-

<sup>79</sup>P. J. Thomas: *The Growth of Federal Finance in India*, pp. 30-31.

<sup>80</sup>Charles Trevelyan: *Report upon the Inland Customs in the Bengal Presidency*, p. 6.

sale dealer to the retail trader, all were leagued in one vast conspiracy against the interests of the Government".<sup>61</sup>

The Government formed a Committee of Finance in 1808 in order to reform the above defects of the Customs Department. Regulation IX was passed in 1810 reducing the number of the Customs Houses from fourteen to seven which were now located at Agra, Allahabad, Banaras, Patna, Kanpur, Meerut and Mirzapur. All the old customs rules were abolished and in their place an attempt was made to levy a consolidated tax in order to avoid the evil of having to collect transit duties at many a place and many a time. Besides, a 'town duty' was imposed under Regulation X of 1810 throughout the Bengal Presidency (both the Upper and the Lower Provinces) on grain, oil, oilseeds, ghee, tobacco and salt. The transit duties were placed under the supervision of a Commissioner of Customs, while 'town duties' were farmed out for collection.<sup>62</sup> All this, however, could not effect any marked improvement in the customs administration. Two more Customs Houses were established in 1812 at Bareilly and Ghazipur, while a third at Saharanpur was added in 1814. By Regulation V of 1823 five more Customs Houses were established for the Delhi Territory at Delhi, Gurgaon, Hansi, Hisar and Panipat. Thus by

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<sup>61</sup>Douglas Dewar: *Hand Book to the English Pre-Mutiny Record*, p. 16.

<sup>62</sup>Thomas: *The Growth of Federal Finance in India*, p. 31.

1823 the number of Customs Houses was again raised to fifteen.

The Board of Revenue at Allahabad was finding it difficult to manage the customs administration of the province properly due to the defects and the corruption in the customs department. It, therefore, suggested to the Government of India in 1826 that the control of the customs administration of the Upper Provinces be transferred from them to the Board of Customs at Calcutta. This change was introduced the same year by Regulation IV. The change, however, did not prove practicable and hence by Regulation I of 1833 the customs administration of the Upper Provinces was re-transferred to the Board of Revenue at Allahabad.

Meanwhile, in 1827, as the result of a proposal from the Collector of Customs at Agra, a double line of *chaukis* was established on the south-western frontier of the province, one along the frontier between the Upper Provinces and Bharatpur, Dholpur and Gwalior and the other along the left bank of the Yamuna.<sup>82</sup>

The 'utter rottenness' of the customs administration of both the Upper and the Lower Provinces was emphasised upon by many administrators in the Bengal Presidency. Lord William Bentinck deputed Sir Charles Trevelyan in 1828 to report on the transit duties. Trevelyan submitted his Report on the Inland Customs Duties in 1833 and attacked the whole

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<sup>82</sup>Dewar: Handbook, pp. 16-17.

system vigorously. He described the transit duties in the following words:

"The intercourse between adjoining districts in the interior is positively burdened with heavier duties than the trade between England and India. English metals and woollens are admitted free and nearly all other articles at  $2\frac{1}{2}$  per cent, and on the export side, indigo, tobacco and cotton are free; while other articles are charged  $2\frac{1}{2}$  per cent, but in the trade carried on between the most contiguous places in the interior, metals are charged at ten per cent and other articles from five to ten per cent. This is a fact worthy of being recorded for the information of posterity. If we were to encourage swamps or accumulate mountains between the different districts of our country, we could not paralyse their industry so effectively as we are doing by this scheme of finance."<sup>24</sup> The above criticism of Trevelyan requires no comment.

The impact of the transit duties can be clearly estimated by taking an example. Raw cotton on entering the province was charged at five per cent *ad valorem*, but when it was made into yarn it had to pay another  $7\frac{1}{2}$  per cent, that is, the total tax was  $12\frac{1}{2}$  per cent. The same yarn had to pay  $2\frac{1}{2}$  per cent more tax when it was woven into cloth, the total tax now being fifteen per cent of the value. Now, if the cloth was dyed, a fresh tax of  $2\frac{1}{2}$  per cent had to

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<sup>24</sup>Trevelyan: Report upon the Inland Customs in the Bengal Presidency, p. 4.

be paid, making the over-all transit duty  $17\frac{1}{2}$  per cent of the value of the article. Some goods, however, had to pay double or treble transit duties—like oil, sugar, saltpetre, shellac and leather.<sup>85</sup> Besides these, the commodities had to pay town duty also. All these taxes and duties increased the price of commodities considerably and led to the decline of trade and industry and local handicrafts.

Lord Ellenborough, then President of the Board of Control in England, attacked transit duties simultaneously when Trevelyan reported against them. In a letter to the Chairman of the Court of Directors he enumerated 235 articles, mostly of daily domestic use, which had to pay these duties. The letter had, however, no effect on the Court of Directors and the condition went on deteriorating.

Ultimately the Government of India moved in the matter. Lord Auckland as the Governor-General and Alexander Ross as Governor of the Agra Presidency abolished all Customs Houses in the interior of the Presidency in 1836.<sup>86</sup> The 'Town Duties' were also abolished the same year. The work was completed by Lord Ellenborough when he succeeded Auckland as the Governor-General of India. Instead of the former transit duty, the Government now retained and concentrated on a customs line on the frontier of the province, while a second line of customs was formed along the Yamuna as a check from the evasions

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<sup>85</sup>Trevelyan: Report upon the Inland Customs in the Bengal Presidency, p. 6.

<sup>86</sup>Kaye: Administration of the East India Company, p. 291.

and smuggling from the former line. Both these customs lines were placed under one single European officer by Act XVI of 1836. All the old *chaukis* also were abolished.

The whole frontier was placed under two officers—the customs line from the hills to Mathura was under the supervision of G. H. Smith who had his headquarters at Delhi, and the Customs line south of Mathura was placed under W. Blunt. Act XVI of 1836 reduced the number of dutiable articles to six—cotton piece-goods, shawls, salt, sugar, tobacco and iron. This number was reduced to three by Act XIV of 1843 when duty was levied only on salt, sugar and cotton. The new Act also abolished the expensive double line of Customs Houses. The one line which was now retained was divided into small beats in order to make better supervision and control possible. A chain of Customs Houses was maintained at Sirsa, Hansi, Delhi, Karnal, Hodal and Agra under the supervision of the Commissioner of Customs for the first division, and at Kalpi, Rajapur, Allahabad and Mirzapur under the supervision of the Commissioner of Customs for the second division. Each of the ten customs houses was placed under one Deputy Collector. The Customs department was completely separated from the Revenue department. The Government of the North-Western Provinces decided on March 22, 1843, that the revenue officers were to have "no power of general control over the subordinate authorities in the Customs department."<sup>87</sup>

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<sup>87</sup>See Douglas Dewar in the *Journal of the United Provinces Historical Society*, Vol. II, Part II and Vol. III, Part I for details.

The customs cordon was extended to include Jhansi and Saugor in 1855, and Customs Houses were also established at those places.

### *Salt Tax*

A Salt tax was imposed upon the people of the province and of the country from very early times. In the time of Warren Hastings, salt, which was a monopoly of the Government, was placed under a new scheme according to which the salt producing areas were divided into agencies. Each agency was placed under an agent who was a civil officer, while the whole salt administration was under the superintendence of a Comptroller with his headquarters at Calcutta.

Salt was not produced in the Upper Provinces. It was supplied to the province from two sources—a part came from the Lower Province of Bengal where it was either imported or produced on behalf of the Government, while a major portion of the supply came from the Sambhar Salt Lake in Rajputana. The salt of Bengal paid an excise duty of Rs. 2/8/- per maund. Therefore, it was allowed to enter the North-Western Provinces free of duty. The Sambhar Lake salt had to pay an excise duty of two rupees per maund. When it crossed the province east of Allahabad and came into competition with the salt of Bengal and Manchester, the Sambhar salt had to pay a special duty of -/3/- per maund.<sup>98</sup> The

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<sup>98</sup>Lords, Third Report from Committee, 1852-53, Vol. XXXIII, Appendix C.



Allahabad special duty on Salt was imposed by Act XIV of 1843 at rupee one per maund. It was reduced in 1847 and again in 1849 when a reduction in the Salt Duty was made in Bengal. This was done in order to bring both Sambhar and Bengal salt on a par.<sup>69</sup>

When the question of the revision of the Charter of the East India Company came up before the British Parliament in 1832-33, it conducted searching enquiries into the salt tax. The monopoly of salt was disapproved. But as the monopoly could not be given up due to financial reasons and its being very lucrative, some reforms in the salt administration were recommended by the Committee finally in 1836. By this time, however, the Government had introduced most of the changes suggested by the Committee. The Committee recommended that the periodical auction of salt should be abolished and that the Government salt stores should be open for sale at all times. Auction sales were discontinued from the same year (1836), and unlimited quantity of salt could be purchased by the wholesalers at fixed price from the Government salt stores. The Committee also suggested that importation of salt should be permitted. Such imports had started in 1817 and went on increasing every year. The Government fixed a duty on foreign salt at Rs. 325 per hundred maunds. As the imports of salt from abroad increased, its manufacture began to decline in Bengal.

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<sup>69</sup>House of Lords, Third Report from Committee, 1852-53, Volume XXXIII, Appendix G.

Salt was manufactured in Bengal "at an average rather under one shilling a maund and is sold at that price plus a fixed duty of five shillings for the same quantity (maund). Add to this the cost of transport to the Presidency, and you will have the sum total at which salt is purchased by the native dealer from the Government. In round numbers it is rather more than six shillings a maund and a maund is equal to 82 English pounds (lbs)."<sup>90</sup> It was sold at Calcutta at the rate of one pence per pound (lb), but on coming over to Banaras the price of the same rose to two pence per lb. The consumption of salt per head of the population was estimated at twelve lbs per annum.<sup>91</sup> In 1816 and also as late as 1846 the wages of manual and agricultural labour were estimated at Rs. two per head per month. The cost of salt consumed by an individual per year at the above rates would amount to the earnings of eleven days' labour, i. e., about three per cent of the labourer's income. This was the heavy impact of the salt tax on the people of the province. The tax was collected by a customs line along the frontier of the province. In order to avoid competition between the salt of the Sambhar Lake and that of Bengal and Manchester there was also a salt customs line from Allahabad to Jaunpur.

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<sup>90</sup>Kaye: Administration of the East India Company, Appendix A, p. 673.

In reality the price of salt was 6s. 10d. per maund at Calcutta and 13s. 8d. at Banaras.

<sup>91</sup>Report of Board of Customs, Salt and Opium, Calcutta, 1819. Also see Lords Report from Committee, 1852-53, Volume XXXIII, Appendix C.

*Opium Tax*

Opium was another monopoly of the Government. The cultivation of poppy by private persons was prohibited in the North-Western Provinces by Regulation XLI of 1803 and in the Lower Provinces of the Bengal Presidency by Regulation VI of 1799. It was managed by the agents of the Government appointed for that purpose. The Opium Agents annually entered into contracts with the cultivators who were bound to deliver the whole of their produce to the Government Agent at a fixed price, which was normally Rs. 3/8/- per seer or about 3s. 6d. per lb.<sup>92</sup> Cultivation of poppy was not compulsory, but once a cultivator entered into a contract with the Opium Agent, he had to cultivate the full acreage stipulated in the agreement. Default or neglect was severely penalized. The Government attracted cultivators to enter into agreements for the cultivation of poppy by giving advances to them. The first advance of four rupees per bigha of land to be cultivated was made to the cultivators in August after the contract was entered into. When the sowing began in November, another advance of three rupees per bigha was made. The third instalment of the advance of three rupees per bigha was made in January or February, when the crop was ready, in order to assist the cultivator in gathering the produce. Finally the accounts were squared up when delivery of opium was made to the Agent's depots by the end of March.<sup>93</sup>

<sup>92</sup>Kaye: *Op. Cit.*, Appendix B, p. 681 f. n.

<sup>93</sup>*Ibid.*, p. 681.

In the North-Western Provinces, poppy was cultivated profitably in the Doab from the borders of Awadh in the east to Agra in the west. The area was about five hundred miles in length and two hundred miles in breadth. The manufacture of opium, from the poppy plants grown in the Doab, was carried out in a separate agency, the agency of Banaras with its headquarters at Ghazipur. After manufacture, opium was exported to China and other countries of the Far East.

The Select Committee of 1832-33 set up by the British Parliament was opposed to the monopoly of the Government in poppy cultivation and opium manufacture, and found many faults with the opium monopoly and the revenue derived from that source. However, it could not suggest an alternative to compensate the loss by abolishing this monopoly. Moreover, it was argued that ultimately the duty on opium was shifted to those persons who took it, and the largest quantities of the drug were exported to and consumed in China. Therefore, the opium duty did not gain any importance in Indian affairs and politics.

### *The Abkari*

Abkari was excise duty on the manufacture and sale of intoxicants and alcoholic drinks. The duty on intoxicants and drinks was prevalent in the pre-British days as well, and the contract for its collection was normally given to the highest bidder. When the East India Company took over the

administration of the Ceded and Conquered Districts, it continued the same system of abkari which it had inherited. The chief intoxicants coming under the abkari tax were toddy, arak, bhang and ganja. The collectors of the various districts collected the tax at the place of sale and looked after its proper conduct. Licenses for the opening of shops for the sale of intoxicants were also issued by the Collectors.

### *Stamp Duty*

Originally two reasons had prompted the Government of India to introduce stamp duty; firstly, to discourage the unusually large number of law suits in the courts of the Company, and secondly, to make up the loss of revenue resulting from the abolition of the old police tax. When the Stamp tax was introduced, it was required to affix stamps in legal proceedings and in courts of law only. But later the use of stamps became necessary also for business transactions, like the receipts, hand-notes, bills of exchange, bonds, etc. Similarly, legal documents and deeds for the transfer of land and property also had to be written on stamped paper. Consequently, the Stamp duty yielded more and more income to the Government as trade and commerce, industry and crafts and the administration of justice expanded and the economic life of the people improved.

### *The Post Office*

The Post Office was another source of income for the Government of the North-Western Provinces.

The Post Office administration of the Upper Provinces was separated from the Post Office administration of the Bengal Presidency from May 20, 1835, as the result of a resolution of the Governor-General-in-Council. For the time being the Post-Master General of Calcutta looked after the post office in this province also.<sup>54</sup> A separate Post-Master General for the North-Western Provinces was appointed in 1839.<sup>55</sup> A remarkable change was effected in the postal charges when a uniform rate was fixed for the whole country. The North-Western Provinces was the only province in India where the Post Office showed a surplus; in older provinces like the Bengal, Bombay and Madras Presidencies there was a deficit in the postal budget of the days before the Great Revolt of 1857-58.<sup>56</sup>

### *Miscellaneous Taxes*

A large number of other minor imposts and taxes were imposed on the people of the province in the early days of the Company's rule. These minor imposts were as unproductive as they were vexatious. Most of them were uneconomical and their proceeds did not justify their continuation. A major portion of most of these minor imposts usually went into the pockets of the petty local officials who were entrusted with their collection. The *rahdari* imposts, the boat tax at the ferries, the *chaukidari* tax from the people,

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<sup>54</sup>Resolution of Governor-General dated April 15, 1835, vide Home, Public Proceedings, No. 7 of May 6, 1835.

<sup>55</sup>Resolution of Governor-General, vide Home, Public Proceedings, No. 9 of November 6, 1839.

<sup>56</sup>Campbell: Modern India, p. 398.

the *pulbandi* tax collected for the construction and repair of bridges over rivers and big canals, the *pushtabandi* tax collected for the construction and repair of embankments and the wheel tax or a levy on the carts were the common taxes throughout the province before 1858, of which no record is available. Though the Government officially abolished many of these imposts when the local officials were paid from the State treasury, they continued in the interior of the country unchecked, undetected and uncared for by the Government.

Mention may also be made among the miscellaneous sources of the income of the State to the judicial fines and fees charged by the Government for various purposes. Judicial fines and other fees yielded a good amount of income. For instance, in 1849-50 the income from this source was Rs. 3,03,237.

It is a well-known fact that most of the records of the Government of the North-Western Provinces were burnt and-or destroyed during the disturbances of 1857-58. It is not possible, therefore, to collect exact figures and calculate the impact of these taxes and imposts on the people in the absence of adequate information. Moreover, many of the minor imposts had been abolished by the Government officially and hence their records cannot be had at any cost.

## CHAPTER VII

### ADMINISTRATION OF JUSTICE

On his arrival in 1828 Lord William Bentinck found the administration of justice to be one of the most defective branches of the East India Company's Government in India. Not only were the provincial courts slow in dispensing justice and corrupt in working, they were also not in a position to administer justice properly. This system of judicial administration had been introduced by Lord Cornwallis. He had to look no further than Bengal, Bihar and Orissa with the Zamindari of Banaras on the extreme west. Great additions of territories had been made to the Bengal Presidency by the time of Bentinck, which now extended from Bengal in the east to the Satlaj river in the west. However, there was so far only one court of final appeal for the entire Bengal Presidency. Parties to a case had to travel about a thousand miles in search of justice in those days of difficult and dangerous travel, which caused great hardship and loss of time and money. Sometimes litigants preferred to forego justice and decide matters themselves by peaceful arbitration or use of force than to undergo all the hardships of seeking justice and redress from the Company's courts. In 1831, Bentinck established separate Sadr' Diwani and Sadr Nizamat Courts at Allahabad<sup>1</sup> for the Upper Provinces, to which appeals lay from all the local Judges. This greatly relieved

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<sup>1</sup>Bengal Regulation VI of 1831.



the Judges of the Sadr Courts at Calcutta and made justice a bit easier and cheaper for the people living in this province. Other changes effected simultaneously were those of employing more Indians to the judicial posts,<sup>2</sup> and increasing the number of judicial officers in order to cope with the increasing volume of work.

The year 1831 is important for the creation of a new post for Indians in the judicial administration of the Government of the East India Company. So far there were only two judicial posts to which Indians could be appointed—the Munsifs and the Sadr Amins. The Indian Munsifs were first employed by Lord Cornwallis under the designation of Commissioners and were Indians appointed to relieve the European Judges. The post of Sadr Amins, the next senior office, was created in 1803. By 1827 the Munsif could decide cases the value of whose amount in dispute did not exceed Rs. 150, while the Sadr Amins' jurisdiction was extended, according to the desire of the Sadr Courts, to cases whose value in dispute did not exceed Rs. 1000. Bentinck created a third superior class of judicial post for Indians, called the Principal Sadr Amins, with enlarged powers and greater emoluments. They were authorized to decide cases up to Rs. 5000 in value and appeals from their decisions lay with the English Judges.<sup>3</sup>

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<sup>2</sup>Bengal Regulation V of 1831; Cowell: *History and Constitution of the Courts and Legislative Authorities in India*, p. 200.

<sup>3</sup>Bengal Regulation V of 1831.

The Collector was authorized to try all summary suits relating to rent and his decisions were final. The Commissioner could revise a case only on the ground that it was not of a nature which could be called a summary suit. "Thus," says Cowell, "in 1831 rent and revenue cases were again transferred to the Collectors, in order to facilitate the collection of Government revenue.....Considerable oppression resulted from this state of things, the tenant not being sufficiently protected from the land-lord, and the land-lord not being sufficiently protected from the Collector."<sup>4</sup>

The first step towards the appointment of a District and Sessions Judge was taken the same year (1831) when the Governor-General-in-Council was empowered to invest the Zillah Judge with full powers to conduct the duty of Sessions, whenever the pressure of work made it essential. In the beginning the Judges were asked to conduct Sessions in exceptional cases only, but subsequently it became a regular practice.<sup>5</sup>

The system of trial by jury was introduced in the Indian Courts in 1832.<sup>6</sup> The same year corporal punishment was abolished.<sup>7</sup> Regulation II of 1833 resulted in the complete extinction of the Courts of Appeal and Circuit, and all pending cases were refer-

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<sup>4</sup>Cowell: History and Constitution of Courts and Legislative Authorities in India, p. 181.

<sup>5</sup>Ibid, pp. 196-97.

<sup>6</sup>Bengal Regulation VI of 1831.

<sup>7</sup>F. Millett on May 24, 1852 in Lords Report from Committee, 1852, Volume XXX, Question No. 1295.

red to the Sadr Diwani Adalat at Allahabad for disposal. All the criminal powers of the Commissioner, except those relating to the Police, were transferred to the Judges in 1835.<sup>8</sup> This was effected by a letter dated June 16, 1835. The change made the Civil Judge both Civil and Sessions Judge. The Judge formerly had magisterial powers also; but he could not perform all his duties properly as his work had increased out of proportion. Moreover, as a Judge he could not try cases which he had committed as a Magistrate. Therefore, the functions of the Magistrate had to be transferred to the Collector who was now called Collector-Magistrate. In course of time this union of the two offices in one individual became universal and between 1833 and 1837 it was adopted in all the districts of the North-Western Provinces.

The Lieutenant-Governor recorded his opinion on the language used in the courts of the province on August 25, 1836, and thought it desirable "that the language of the people should, if possible, be that of the business of the court and that atleast an endeavour ought to be made to introducing it."<sup>9</sup> Lord Auckland, the Governor-General, agreed with Metcalfe and said: "It must be admitted that Persian is a foreign language not generally in use for colloquial purposes. . . . and that its retention as the language of the courts keeps the bulk of the people in ignorance of the judicial

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<sup>8</sup>Bengal Regulation VII of 1835.

<sup>9</sup>Macswen to Macnaghten No. 3025 of August 25, 1836, vide Home, Judicial Proceedings, No. 7 of October 10, 1836.

proceedings. . . ."<sup>10</sup> But Alexander Ross was doubtful of the success of the scheme.<sup>11</sup> The Governor-General's approval of the introduction of Urdu in the courts was conveyed to the Government of the North-Western Provinces on October 10, 1836, and on November 1 the same year an order was issued by the Lieutenant-Governor permitting the use of Urdu in place of Persian as the court language in the North-Western Provinces. The measure proved very popular and successful and hence on July 1, 1839, the courts were forbidden to use Persian; they were ordered to use Urdu or Hindustani in Persian characters in their proceedings.<sup>12</sup> One thing worth noting in this connection, however, is that while the people of the province were opposed to Persian and were in favour of Urdu, they were against the introduction of Nagari script and Hindi language in the courts. The Nagari script and Hindi language were used in the Saugor and Narbada Territories only.<sup>13</sup>

In 1837 it was decided that the statements of the parties in a case and the evidence of witnesses should be recorded in the language in which they were given. Formerly discrepancies arose in translations and the witnesses as well as the parties to a dispute

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<sup>10</sup>Auckland's Minute of September 25, 1836, vide Home, Judicial Proceedings, No. 138 of October 10, 1836.

<sup>11</sup>Minute of Ross of September 29, 1836, vide Home, Judicial Proceedings, No. 139 of October 10, 1836.

<sup>12</sup>M. Smith, Register Sadr Courts to Thomason, No. 672 of April 4, 1840, vide Home, Judicial Proceedings, No. 4 of May 11, 1840.

<sup>13</sup>Home Deptt, Miscellaneous Records, Judicial Papers, No. 9 of December 9, 1840.

could not verify the correctness of their recorded statements, except through a lawyer. This reform, indeed, improved the administration of justice greatly.<sup>14</sup>

When pleaders who understood the English language were employed by both the parties to a suit, it was at the discretion of the trying Judge to direct that the oral pleading be conducted in English. If a party changed its pleader in the middle of the case that was being conducted in English, the change was to have no effect on the language of pleading; the Judge could insist on the use of English in such cases.<sup>15</sup>

It was enacted in 1844 that all suits within the competence of the Principal Sadr Amins and the Sadr Amins should be instituted in their courts only as far as possible. The Zilla and City Judge could, however, withdraw any of them and try them himself.<sup>16</sup> This was, in fact, the beginning of the gradation of the courts of justice. So far, there was no scientific gradation or hierarchy in the courts of the East India Company, and so also in the North-Western Provinces. Naturally, therefore, all courts entertained original primary cases, which meant waste of time for the higher courts. Now the whole machinery was set in gear and on scientific lines.

The above, in broad outline, were the main changes introduced in the judicial administration of

<sup>14</sup>Harington to Bushby, No. 118 on February 17, 1837, vide Home, Judicial Proceedings, No. 3 of April 3, 1837.

<sup>15</sup>Shakespear to Currie, No. 1939 dated May 11, 1846, vide Home, Judicial Proceedings, No. 44 of May 23, 1846.

<sup>16</sup>Act IX of 1844.

the North-Western Provinces up to the Great Revolt of 1857. Many minor changes were made from time to time, which will be discussed under their respective heads. One general code of justice, however, was introduced only by Act VIII of 1859.

### JUDICIAL MACHINERY AND ORGANIZATION

The judicial organization of India and that of the North-Western Provinces were modelled on their administrative systems. "Executive officers were for long vested with judicial powers and still (1910) retain functions of this character to a large extent."<sup>17</sup> The smallest unit of administration was the village. A number of them were grouped into taluks or tahsils, the administrative officer of the tahsil being the Tahsildar. He exercised the powers of a Magistrate within his jurisdiction. His deputy, the Naib-Tahsildar, sometimes officiated for him. The supervision of a number of tahsils of a district fell to the Deputy-Collector and above them was the Magistrate-Collector of the district. The Magistrate-Collector of the North-Western Provinces was in charge of the general administrative supervision of the whole district, and the supervision of the administration of justice also was in his jurisdiction. In higher courts, however, the administration of justice was conducted and controlled by purely judicial officers who had nothing to do with executive duties. The Sessions Judge, for example, was a Judge, pure and simple. The Sadr

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<sup>17</sup>Chailley: *Administrative Problems of British India*, p. 411.

Courts, also, had no other duties beyond imparting justice to the people.

(a) *Civil*

The lowest civil judicial officers were the Munsifs who were empowered to try suits and decide cases the value in dispute of which did not exceed three hundred rupees. A regular appeal from their decisions lay with the City and Zilla Judge whose decisions were final.<sup>18</sup> The Sadr Amins were authorized to hear cases whose value in dispute did not exceed rupees one thousand.<sup>19</sup> Their primary jurisdiction was stated by the Law Commission of 1853 to begin from cases whose value in dispute was above three hundred rupees.<sup>20</sup> Appeals from the decisions of the Sadr Amins lay with the City and Zilla Judge whose judgments were final, and the same applied to summary appeals rejecting suits.<sup>21</sup> A special appeal from their decisions in regular cases, however, could be made, in some cases, with the Sadr Diwani Adalat.<sup>22</sup> The Principal Sadr Amins were empowered to try all suits, whether originally instituted in their courts or appeals from lower courts referred to them by the City and Zilla Judge, whatever be the value of the amount in dispute. Appeals from the decisions of the Principal Sadr Amins lay with the City or Zilla Judge, but where the value of the amount in dispute exceeded rupees

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<sup>18</sup>Bengal Regulation V of 1831.

<sup>19</sup>Bengal Regulation V of 1831 and Act IX of 1844.

<sup>20</sup>The First Report of the Indian Law Commission, 1853, Appendix B, No. 3.

<sup>21</sup>Bengal Regulation V of 1831.

<sup>22</sup>Act XVI of 1853.

five thousand, the appeal lay direct with the Sadr Diwani Adalat, the highest court of civil justice in the province.<sup>23</sup>

The Munsifs, the Sadr Amins and the Principal Sadr Amins were uncovenanted judicial officers. The covenanted officers were the City and Zilla Judges and the Judges of the Sadr Diwani Adalat.

The City and Zilla Judge had original jurisdiction to an unlimited amount of money in dispute, commencing from rupees five thousand.<sup>24</sup> Whenever the judges were over-burdened with appeals from the lower courts like those of the Munsifs and Sadr Amins, they could refer some of the cases of their court to the Principal Sadr Amins, after securing permission of the Sadr Diwani Adalat to do so.<sup>25</sup> They enjoyed the authority also of withdrawing any case from the files of the Principal Sadr Amins or Sadr Amins and try them either personally or refer them to some other subordinate court.<sup>26</sup> Appeals from the decisions of the City and Zilla Judges lay with the Sadr Diwani Adalat,<sup>27</sup> which was the highest civil court of appeals in the province. It could call for cases the value of the amount in dispute of which exceeded rupees ten thousand from the City and Zilla Courts and decide them itself. The Sadr Adalat might try them even as original cases. The decisions of the Sadr

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<sup>23</sup>Act XXV of 1837.

<sup>24</sup>Bengal Regulation V of 1831.

<sup>25</sup>Act IX of 1844.

<sup>26</sup>Bengal Regulation II of 1833 and Act XVI of 1853.

<sup>27</sup>Act X of 1859.



Diwani Adalat were final, except in the respect of those cases the value of whose amount in dispute exceeded rupees ten thousand, when the appeal from the Sadr Court lay with the Queen of England in Council, that is, the Privy Council.

In 1857 a bill was introduced to enlarge and define the jurisdiction of the Collectors as judicial officers. It gave the revenue officers exclusively the right of primary cognizance of all cases of ejectment, cancellation of leases for arrears of rent, enhancement of rent and the right of giving *patta* (title deed) and demanding *kabuliat* (agreement). The Bill became an Act in 1859—Act X of 1859. It gave to the Collectors the sole right to try a number of cases which "should not be cognizable in any other court or by any other officer, or in any other manner."<sup>28</sup> As Cowell has rightly remarked, by this Act the Collector was "invested with civil jurisdiction in rent cases to the exclusion of civil courts."<sup>29</sup>

#### (b) Criminal

The Indian law officers of the Zilla and City Courts—the Sadr Amins and Principal Sadr Amins—had limited criminal jurisdiction in cases involving petty thefts or other trivial offences referred to them for trial by the Magistrates. Their power of punishment extended up to a fine of fifty rupees and imprison-

<sup>28</sup>Cowell: *History and Constitution of the Courts and Legislative Authorities in India*, p. 186.

<sup>29</sup>Bengal Regulation III of 1821; Regulation V of 1831; Regulation II of 1832.

ment with labour not exceeding one month.<sup>30</sup> Appeal from their sentence lay within one month with the Magistrate or Joint-Magistrate.<sup>31</sup> The Deputy-Magistrates had, like the Sadr Amins and the Principal Sadr Amins, limited jurisdiction in criminal matters extending to imprisonment for one month, with an additional one month's imprisonment in lieu of corporal punishment.<sup>32</sup> Such cases where they considered heavier penalty and more severe punishment essential, they had to refer to the Magistrate or the Joint-Magistrate.<sup>33</sup> An appeal from their sentence lay within one month with the Magistrate.<sup>34</sup>

The Sadr Amins, the Principal Sadr Amins, and Deputy-Magistrates were all uncovenanted judicial officers in criminal matters.

The Assistant-Magistrates had the same powers in criminal matters as the Deputy-Magistrates. When they were specially appointed to some position, they could inflict imprisonment for one year.<sup>35</sup> The City and Zilla Magistrates and Joint-Magistrates could sentence an accused to two years' imprisonment with hard labour. The cases requiring heavier punishments were referred to the Sessions Judge and forwarded to him for disposal.<sup>36</sup> An appeal from the decisions of

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<sup>30</sup>Act XXXI of 1841.

<sup>31</sup>Regulation II of 1834; Act XV of 1843 and Act X of 1854.

<sup>32</sup>Bengal Regulation III of 1821.

<sup>33</sup>Act XXXI of 1841; Act X of 1854.

<sup>34</sup>Act XV of 1843.

<sup>35</sup>Bengal Regulation XII of 1818; Act II of 1834.

<sup>36</sup>Act XXXI of 1841; F. Millett, Question No. 1289, House of Lords, Report from Committees, 1852, Volume XXX.

the Magistrates lay within one month with the Sessions Judge.<sup>37</sup> The Sessions Judges were empowered to try cases and sentence the culprits in cases referred to them by the Magistrates and Joint-Magistrates. They were to hold monthly jail deliveries also.<sup>38</sup> Appeals from all convictions and original decisions of the Magistrates lay with these Judges.<sup>39</sup> All sentences of imprisonment for life and those of death as well as the punishments for offences against the State had to be confirmed by the Sadr Nizamat Adalat and then only could they be held valid and carried out.<sup>40</sup> The Sadr Nizamat Adalat was the highest court of criminal justice in the North-Western Provinces which was created along with the Sadr Diwani Adalat in 1831. It took cognizance of all criminal matters throughout the province and had the power to pass final sentences of death and also those of imprisonment for life. It could annul or mitigate the sentences of the lower courts.<sup>41</sup> Decisions of the law courts on crimes against the State had to be reported to the Government, whose orders were to be awaited for three months before the sentences could be carried out.<sup>42</sup>

<sup>37</sup>Bengal Regulation VII of 1831; Act VII of 1835.

<sup>38</sup>Act XXXI of 1841; Act X of 1854.

<sup>39</sup>Regulation I of 1829; Regulation VII of 1831; Act VII of 1835 and Act V of 1841.

<sup>40</sup>Act XXXI of 1841 and Act XIX of 1848.

<sup>41</sup>Act V of 1841.

<sup>42</sup>Harington on December 11, 1835, to Macsween, vide Home, Judicial Proceedings, No. 5 of January 18, 1836.

*(c) The Office*

The Register (later Registrar) was the chief ministerial official of the two Sadr Courts of the province. He conducted correspondence of the courts in the English department in both civil and criminal matters under the direction of the Sadr Adalats, supervised the work of the junior officials in his office and maintained proper discipline in the office staff. All orders of the two courts were issued in his name and under his signature. The decisions and sentences of the Judges of the Sadr Adalats were signed by the Judges themselves, but the copies thereof were made under the signature of the Register.<sup>43</sup>

The number of cases in the Sadr Courts of the North-Western Provinces became so large that even those cases in which the Government was a party could not be managed properly by the Board of Revenue of the province. The record of such cases pending with the courts had become too bulky and unmanageable. Therefore, Lieutenant-Governor Thomason sought the Governor-General's permission to create a new office of Legal Remembrancer for the North-Western Provinces in 1848,<sup>44</sup> and on the receipt of his sanction a Legal Remembrancer was appointed.

Similarly, the sanction for the post of a Translator for translating the decisions of the Sadr Courts

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<sup>43</sup>Thornton to Bushby, No. 981 on March 11, 1838, vide Home, Judicial Proceedings, No. 9 of March 25, 1848.

<sup>44</sup>Letter No. 1401 of April 7, 1848, vide Home, Judicial Proceedings, No. 16 of August 26, 1848.

from English into Hindi and Urdu was requested by A. Shakespear in his letter to Bushby on April 7, 1848.<sup>45</sup> So far the translation of the decisions was prepared by the Register of the Sadr Courts, but his office duties did not leave him time for this work. The Governor-General's sanction was given on August 26, 1848, and a Translator was appointed on a salary of five hundred rupees per month.<sup>46</sup>

John Russell Colvin pressed and received sanction from the Governor-General for the post of a Government Advocate.<sup>47</sup>

The Sadr Diwani and Sadr Nizamat Adalats were transferred from Allahabad to the capital of the North-Western Provinces at Agra in 1843. Thus most of the offices of the Government came to be centralized at the headquarters of the Government of the province.

The High Courts at Calcutta, Bombay and Madras were established by the Indian High Courts Act of 1861. Section 16 of this Act became instrumental in the establishment of a High Court at Allahabad in 1866 when the Sadr Courts were abolished. The original jurisdiction of the High Courts was derived from the Crown Courts and the appellate jurisdiction was derived from the Company's Sadr Courts.

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<sup>45</sup>Home, Judicial Proceedings, No. 20 of August 26, 1848.

<sup>46</sup>Home, Miscellaneous Records (Judicial) No. 6 of July 10, 1843; No. 10 of December 11, 1843.

<sup>47</sup>Auckland Colvin: John Russell Colvin, p. 168.

## CIVIL JUSTICE IN THE PROVINCE

The North-Western Provinces had passed into the possession of the East India Company at a time when they were most disturbed internally. There were robbers and highwaymen everywhere and the political condition was also very unstable. Under these circumstances people naturally had greater concern about safety of their lives and, therefore, for crimes involving the question of life and death and big properties rather than for petty civil disputes among them. For this reason the number of civil cases which came up for trial before the civil courts set up by the Company's Government was small. Moreover, those days people preferred to decide their disputes themselves by use of force or through the agency of the village *panchayat*. The administrative machinery was properly reorganized when the political control of the English over the province became firm, and in course of time peace returned to the country, thanks to the East India Company's stable Government. People now began to pay more attention to the problems of their day-to-day life, as there was no longer political instability there to divert their attention or exhaust their energies. They turned to their personal problems and disputes. The result was that the number of cases in the civil courts began to show an upward tendency. On the other hand, the Government reduced the number of judicial officers, as the following figures show :—

Year	No. of judicial officers.	No. of suits admitted.	No. of suits decided.
1831	243	29,492	41,898
1832	235	33,663	43,012
1833	173	36,890	44,989
1834	154	46,162	51,210

The decreasing number of judicial officers and increasing number of civil cases show that the investigation had become comparatively easy as things settled down and peace came back to the province.

In 1837 Walter Ewer, a Judge of the Sadr Diwani Adalat, was appointed on special duty to report on the functioning of the Munsifs' courts.<sup>48</sup> He submitted a partial, incomplete and biased report on the working of the Munsifs' courts in the Saharanpur, Meerut, Moradabad, Bareilly and Aligarh districts, in which he pointed out a number of irregularities committed by these judicial officers. The Governor-General, however, did not agree with the prejudiced report and, therefore, Ewer was relieved from his post and his report was shelved.<sup>49</sup>

The contribution of the different branches of the judicial machinery to the proper administration of justice in the province can be estimated from the following<sup>50</sup> figures:—

<sup>48</sup>Home, Miscellaneous Records (Judicial), No. 13 of 1837.

<sup>49</sup>Home, Miscellaneous Records (Judicial) No. 7 of August 4, 1838.

<sup>50</sup>Commons, First Report, 1852-53, Vol. XXVII, Appendix 3, p. 411.

	Court	Cases for the year.		Disposed off		Pending at the end of the year.	
		1833	1849	1833	1849	1833	1849
1.	Sadr Diwani Adalats.	1,756	356	213	207	1,543	149
2.	Provincial Courts,	1,863	—	224	—	10	—
	Judges Courts.	—	9,924	—	3,822	—	1,979
4.	City & Zilla Judges.	22,919	—	3,619	—	6,895	—
5.	Commissioner, Superintendent of Hill Stations.	—	4,470	—	2,219	—	1,206
6.	Principal Sadr Amins.	7,494	8,185	4,028	6,158	2,634	1,735
7.	Sadr Amins.	9,888	13,725	6,132	10,241	1,225	5,389
8.	Munsifs.	46,727	71,035	30,986	55,868	13,836	13,083
	Total	89,847	1,07,695	45,202	78,418	26,143	21,541

## CRIMES AND CRIMINAL JUSTICE

Of the crimes committed in this province, three major ones deserve mention. They were thagi, gang robbery and murder. Thagi was perpetrated by the so-called followers of goddess Kali who waylaid travellers on the highways and strangled them when taken unawares. According to the *Samachar Darpan*, a contemporary newspaper, "one hundred thags slaughter, on an average, eight hundred persons in a month."<sup>51</sup> The thags disturbed the peace of the highway, and greatly impeded the trade and commerce of the province. The *Samachar Darpan* adds<sup>52</sup>: "It is not, therefore, going far beyond the truth to affirm that, between the Narbada and the Satlaj, the number of

<sup>51</sup>*Samachar Darpan* of 1833, vide Kaye: Administration of the East India Company, p. 361 f. n.

<sup>52</sup>*Samachar Darpan* of 1833, vide Kaye: Administration of the East India Company, p. 361.



persons murdered every year is not less than ten thousand."

Dacoity or gang robbery also was an evil of long standing. It was perpetrated by violence, most frequently at night, and often attended with massacre. "Treasure and costly deposits of jewels or other portable articles of value are generally the objects of attack. Money-dealers, merchants and the Government are in consequence most commonly the sufferers", reported Sir Charles Metcalfe.<sup>53</sup> The Lieutenant-Governor believed that the robbers came from outside the North-Western Provinces—from the side of Awadh and Gwalior. But, he said, "it seems probable that they must generally have local aid in the vicinity of the place of their attack." That this crime was followed by the dacoits as a profession is confirmed by the reports of Ross and Sleeman.<sup>54</sup>

Murder and suicide were more common then than now. Slight differences among people were decided by resort to force and when matters became acute, the parties had recourse to justice at the law courts of the East India Company. Life in the Pre-Revolt period was cheap, and less regard was paid to it, and hence cases of murder were many. The law courts were ever busy with such cases, and the Judges were over-burdened with work.

<sup>53</sup>Metcalfe to Auckland, No. 1421 of January 11, 1837, vide Home, Judicial Proceedings, No. 12 of February 27, 1837.

<sup>54</sup>Ross: Minute on Dacoity, vide Home, Judicial Proceedings, No. 15 of February 27, 1837; Sleeman: Report on the Depredations Committed by the Thag Gangs of Upper and Central India; Sleeman: Report on Badhak alias Bagree Dacoits.

The Governor of the Agra Presidency recommended in 1835 that the European judicial officers be relieved "of much of their duties connected with criminal justice by conferring on such of the Sadr Amins and Principal Sadr Amins as might be found well-qualified, the whole or any part of the powers now exercised by the Joint-Magistrates and by investing the Munsifs with the powers now exercised by the Sadr Amins..."<sup>55</sup> And this change was effected soon after.

Up to the time of Lord Auckland the method of testing the efficiency or otherwise of a judge was to find out the proportion of acquittals to convictions in the number of persons registered in his court. Lord Auckland felt this mode to be most defective and protested against it.<sup>56</sup> Therefore, it had to be given up.

The number of criminal cases and the number of the accused sentenced to imprisonment swelled so high in the early years of the North-Western Provinces that Lord Ellenborough in his letter to the Court of Directors dated May 10, 1843, expressed great dissatisfaction with the over-crowding in the jails and the length of the terms of imprisonment. He was in favour of the penalty of death and corporal punishment in more serious offences. He believed in making the culprits examples for the society by punishing them severely and in the knowledge of the

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<sup>55</sup>Home, Miscellaneous Records (Judicial), No. 3 A of April 27, 1835.

<sup>56</sup>Auckland's Minute on his Administration of the North-Western Provinces dated February 4, 1840, vide Home, Public Proceedings, No. 2 of March 11, 1840.

public.<sup>57</sup> Corporal punishment which had been abolished by Bentinck was re-introduced accordingly by Ellenborough. However, criminal justice was not very harsh, as it "multiplied guarantees to defendants".<sup>58</sup> A man who was condemned by one court had more than one chance to seek justice again or to appeal for diminishing the period of punishment. He could appeal to a higher tribunal, could appeal for a special revision, could petition for mercy to the Lieutenant-Governor and also to the Governor-General and finally in some cases could appeal to the Privy Council in London.

A comparative idea of the extent and volume of the administration of criminal justice<sup>59</sup> can be had from the following table:-

	Court.	Persons under trial.	Persons convicted.	Persons acquitted.	Cases pending.
1.	Sadr Nizam-at Adalat.	664	552	65	49
2.	Sessions Judges.	5,254	2,751	1,278	1,205
3.	Magistrates Joint and Assistant, and Indian Judges	85,463	45,863	32,842	6,758
Total Year 1849		91,383	49,166	34,185	8,032
Year 1833		41,208	17,720	21,398	2,515

#### THE LAW ADMINISTERED

When political power in Bengal passed into the

<sup>57</sup>Auckland to Court, vide Home, Miscellaneous Records (Judicial) No. 3 of May 10, 1843.

<sup>58</sup>Commons, First Report from Committee, 1852-53, Vol. XXVII, Appendix III, p. 409.

<sup>59</sup>Chailley: Administrative Problems of British India, p. 435.

hands of the East India Company, it was decided not to interfere in the legal system then prevailing in the country, and to leave the law and the courts in the hands of the people themselves. Chailley, the French commentator on British Indian administration has called it "a wise policy not to attempt to apply the laws and procedure of England, but to leave these (Indian) people their own laws and courts".<sup>60</sup> Warren Hastings was the first Governor-General to set the administration of justice on its legs. In 1772 he issued some 'Instructions' which aimed at unifying the Indian and British legal systems and giving a fair justice to the people of Bengal. The system thus introduced gave the Indians a slight share in the administration of justice. A clause of the 'Instructions' stated: "In all suits regarding inheritance, marriage, caste and other religious usages or institutions, the law of the *Koran* with respect to the Muhammadans and that of the *Shastras* with respect to the Gentoos (Hindus) is to be invariably adhered to. . . ."<sup>61</sup> He established the Sadr Diwani and the Sadr Nizamat Adalats at Calcutta, which were called the Company's Courts and which enforced the above policy. The Regulating Act of 1773 created the Supreme Court presided over by the English Judges who were appointed by the Crown and who enforced the English Law in their decisions. Both these courts—

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<sup>60</sup>Chailley: Administrative Problems of British India, p. 346.

<sup>61</sup>"Instructions" of Warren Hastings, vide Morley: The Administration of Justice in British India. Also Macpherson: Procedure of Civil Courts of the East India Company.

the Company's Courts and the Crown Courts—were independent of one another till their amalgamation as the High Court of Calcutta.

The British Parliament passed an Act in 1781 which laid it down that even in the Supreme Court, when a case came up between two Indians, due regard was to be had for the personal law of the parties concerned—Hindu Law for the Hindus and Muhammadan Law for the Muslims. When, however, the plaintiff and the defendant belonged to different religions, the law to be followed was to be that of the defendant.<sup>61</sup> In order to aid the English Judges in enforcing the Hindu and the Muhammadan Law, a Pandit and a Maulvi were attached to the courts. Thus the personal law triumphed during the rule of the East India Company and was applied in judicial decisions both by the Company's Courts and the Crown Courts. This state of affairs continued up to 1833.

From 1830 onwards the people began to express their dissatisfaction with this system of justice. The courts had to enforce various laws which created confusion in the judicial machinery and difficulties for everybody—the Government, the officials of the judicial department and the public. The courts in India had to enforce the Regulations issued by the Governor-General from time to time, the Charter Acts, the Acts of the British Parliament as it was the supreme legislative body, the English Common Law and

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<sup>61</sup>Regulation I of 1802, vide Home, *Miscellaneous Records*, Vol. 277; Chailley: *Administrative Problems of British India*, p. 350.

Constitution in the Presidency towns,<sup>63</sup> Hindu and Muhammadan Law; local customary laws, and the treaties negotiated with various parties and individuals by the Company and the Crown. This kind of confusion and, sometimes, inconsistency resulting from the multiplicity of the Law could not be tolerated any further. No country, said Macaulay in the House of Commons, needs a Legal Code as badly as India. The Charter Act of 1833 recognized the necessity of such a move, and the first step in this direction was an attempt towards uniformity in all the Presidencies of India by taking away the authority of issuing Regulations from the Governors of the Bombay and Madras Presidencies and centralizing it in the hands of the Governor-General of India. A new ( fourth ) member was added to the Governor-General's Council, called the Law Member, and an Indian Law Commission was appointed in order to prepare a new set of civil and criminal laws for India. Macaulay was appointed Chairman of the Law Commission and also the Law Member of the Governor-General's Council. The Commission at once set to work and began to draft a Penal Code, and planned to do a similar work for the Civil and Criminal Procedure. A draft of the Penal Code was submitted to the Government in 1837 and Macaulay left India the next year. The draft was submitted to the legal authorities in India and England, and their objections were reviewed by the other two members of the Commission—Elliott and Cameron. On Macaulay's departure the work of preparing a Law

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<sup>63</sup>Chailley: Administrative Problems of British India, p. 357.

Code for India, however, slowed down. In 1853 a second Law Commission was appointed which sat in England, and as a result of its labours a Penal Code and the Codes of Civil and Criminal Procedure were completed. The Penal Code was revised by Sir Barnes Peacock and finally passed into Law in 1860 and put into operation from 1862 onwards. The Code of Criminal Procedure, which was in the making since 1847, was passed into Law in 1861 and applied from 1862. The Code of Civil Procedure was introduced in 1859, but was amended again and again several times in 1863, 1872, 1877, 1882, etc. Throughout the period of our study, therefore, the judicial administration of the North-Western Provinces applied the personal law in its courts, besides the various Regulations, etc., and was thus a patch-work and a time-serving device without any uniformity or principle.<sup>64</sup> Absence of a set of laws was felt badly throughout the period.

#### INDIANS IN THE JUDICIARY

Clive and Warren Hastings had turned the merchants into 'Revenue Collectors'; Cornwallis turned them into 'Judges'. When the Company took over the administration of justice, more and more Englishmen were appointed to the judicial posts and Indians were gradually stripped of their share in the judiciary. By the time Lord Cornwallis retired, most of the important and superior posts in the Company's Government

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<sup>64</sup>Cowell: *History and Constitution of the Courts and Legislative Authorities in India*; Morley: *The Administration of Justice in British India*.

were held by Englishmen who were members of the Covenanted ( Civil ) Service of the Company. This state of affairs continued for a long time, with the result that Indians were almost completely eliminated from higher appointments; they could now be appointed to very low posts in the Company's service. In course of time a wide gulf was created between the Indians and the Europeans in India. Living apart with no social contact between the two groups, they developed aversion for one another. The second quarter of the nineteenth century, however, was an age of liberal reforms and philanthropic activities for Britain and great events took place in that country as a consequence of which the attitude of the Government towards its Indian dependencies also underwent a change. The new ideas were in favour of a better government in India. To begin with, some Indians were associated with the judicial administration from 1831. The Charter Act of 1833 enunciated a liberal policy and contained the following clause: "And be it enacted that no native of the said territories, nor any natural born subject of His Majesty resident therein, shall by reason only of his religion, place of birth, descent, colour or any of them, be disabled from holding any place, office or employment, under the said Company."<sup>65</sup> The new policy was explained by the Court of Directors in their letter to the Government of India in December 1834. Soon after, the administration of justice in the lower courts came to

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<sup>65</sup>Charter Act of 1833, clause 87; A. C. Banerjee: *Indian Constitutional Documents*, Vol. I, pp. 218-219.



be managed by the Indian judicial officers. By the year 1836 the Munsifs, the Sadr Amins and the Principal Sadr Amins managed the entire civil justice in its lower stages, though appeals from their decisions continued to lie with the English Judges. The Principal Sadr Amins were, in fact, placed on the same footing as the English Judges, except the Judges of the Sadr Courts. But the European Judges had the authority of withdrawing any case from the files of the Indian judicial officers and deciding it themselves. In criminal justice, however, the Indian judicial officers were not given the same power and authority which they enjoyed in civil matters. The highest term of imprisonment that the Indian Judges could inflict was that of three years.

The honest and efficient work of the Indian judicial officers was appreciated by the Government of India as also the Lieutenant-Governors of the province. Metcalfe in his Judicial Administration Report for 1836 recorded<sup>66</sup> that more cases had been decided with the assistance of Indians that year than ever before. It was recorded also that the number of litigants and the value of litigious property was declining in the province. The average life of a suit on the files of the Judges had fallen from one year three months and three days to seven months and two days, which was indeed a good sign, promising quicker justice.<sup>67</sup> Sir Edward Ryan was "very much struck

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<sup>66</sup>Home, Miscellaneous Records (Judicial) No. 18 of December 10, 1837.

<sup>67</sup>Home, Miscellaneous Records (Judicial) No. 18 of December 10, 1837. See also Lords, Reports from Committee, 1852, Vol. XXX, Frederick Millett, Question No. 1406.

with their ( Indian judicial officers' ) capacity and their power of administering justice.<sup>69</sup> Another competent British authority, Sir Erskine Perry, Chief-Justice of Bombay, was of the opinion that "the judgments of the native Judges were infinitely superior to the judgments of the Company Judges who sat in appeal."<sup>70</sup> On another occasion he said: "In point of both intellectual and moral capacity there is no judicial employment to which they ( Indians ) might not attain . . . ."<sup>71</sup> He added: "there are no situations to which you could not admit the natives". About ninety-eight per cent of the cases in the North-Western Provinces were tried by the Indian Judges "and the evidence is unanimous, I believe, that their decisions are logical, well-composed and in every way extremely good."<sup>72</sup> Nearly all original suits were tried by the Indian Judges of this province at the time when the Charter Act of 1853 was under discussion.<sup>73</sup> The scope and meaning of the word Indian when used in connection with the Judges was explained by Sir Erskine Perry as follows: "when we speak of natives, the Hindus are always the main persons referred to."<sup>74</sup> In appreciation of their

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<sup>69</sup>Lords, First Report, 1852-53, evidence by Sir Erskine Perry.

<sup>70</sup>Ibid.

<sup>71</sup>Commons, Fourth Report, 1852-53, Vol. XXVII, Erskine Perry, Questions 2579 and 2581.

<sup>72</sup>Commons, Fourth Report from Committee, 1852-53, Vol. XXVII, Erskine Perry, Question No. 2584.

<sup>73</sup>Lords Report, 1852-53, Volume XXX, Frederick Millett, Question No. 1403.

<sup>74</sup>Commons, Fourth Report, 1852-53, Volume XXVII, Question No. 2583.

good work, John Russell Colvin raised the status of the Indian Judges and arranged for their better training in order that they may prove more helpful and efficient in their work.<sup>74</sup>

An idea of the contribution of the Indians to the judicial administration of the North-Western Provinces can be had from the following<sup>75</sup> figures:

Year	Original suits		Appeal suits		Percentage of reversals by superior courts
	European Judges	Indian Judges	European Judges	Indian Judges	
1843	31	29,181	4,505	3,083	52%
1844	17	40,213	4,397	2,902	5%
1845	10	40,579	3,980	2,809	42%
1846	3	41,775	3,900	2,392	4%
1847	8	43,169	3,608	2,559	34%
1848	11	41,340	3,977	2,916	4%
1849	20	44,933	3,802	3,674	41%

In spite of their efficiency and good services, the Indian Judges—Munsifs, Amins, Sadr Amins and Principal Sadr Amins—were poorly paid in comparison with their European counterparts. An European Judge, said Sir Erskine Perry,<sup>76</sup> received on an average about £. three thousand a year, while an Indian Munsif received only £. one hundred and twenty a year. It is unfortunate that Indians did not enjoy equal powers

<sup>74</sup>Auckland Colvin: John Russell Colvin, p. 168.

<sup>75</sup>Lords, Third Report, 1852-53, Volume XXXIII, Appendix C, p. 150.

<sup>76</sup>Lords, First Report, 1852-53, evidence by Sir Erskine Perry.

and emoluments even though they were more sincere and conscientious than the European Judges.

#### SPECIAL PRIVILEGES OF ENGLISHMEN

In the early days of the Company's rule, its law courts enforced English Law in the decision of cases. In 1773 two legal systems were introduced; the first, the English law and procedure, adopted by the Supreme Court in the Presidency towns, and, the second, the Hindu and Muhammadan Law, administered by the Company's courts in the mofussil areas. This system was applied to the Upper Provinces also when these were conquered. The East India Company jealously guarded the privileges conferred upon it by the Charter Acts, and did not permit any European to settle down in India, as it feared that its monopoly of trade would be infringed.<sup>77</sup> And whenever a special concession was given to some Europeans to reside in the mofussil areas, they had to enter into a definite undertaking that they would allow themselves to be tried in the Company's courts whenever small suits were brought against them. This understanding was recognized by the Parliament Act of 1813.

The Charter Act of 1833 abolished the Company's monopoly of trade. It also allowed the Europeans to settle in the interior districts in the country. Trade being open to free competition now, many Europeans flocked to India in search of new business. In 1833 the position with regard to Englishmen settled in India

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<sup>77</sup>Holt Mackenzie on October 23, 1828, No. 895 to Board of Revenue, vide Board of Revenue Proceedings No. 12 of November 17, 1828.

was that those in the Presidency towns were under the jurisdiction of the Supreme Court in all matters, both civil and military, and this Court enforced the English Law. They could also demand trial by jury, and the members of the jury were to be persons whom none of the two party objected to. Despite the insignificant value of the amount in dispute, and the vast distance of the Crown courts from the place of residence of the parties, these Englishmen insisted on availing themselves of the above privileges. The Supreme Court was very slow in the dispensation of justice, and the expenses of filing a suit were enormous. Justice through English Law was very costly indeed—ten times more in India than in Britain, said Chailley.<sup>78</sup> Thus, remarks a contributor to the Calcutta Review of 1846: "No provisions have been made for the punishment of British European felons in the mofussil. As this exception does not extend to Europeans of any other nation or to natives of any other country, it is a privilege which individuals belonging to the parent State exclusively enjoy at the expense of equal justice, to the great annoyance of the native community, whom they have thus the power of oppressing with very little risk of punishment. . . ." <sup>79</sup> The result of the special privilege was that "British Europeans, ( even ) after the commission of outrages which at Calcutta or at home would have been visited with the most

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<sup>78</sup>Chailley: Administrative Problems of British India, p. 457.

<sup>79</sup>Calcutta Review, Vol. VI, No. XI, "Administration of Criminal Justice in Bengal," p. 145. Also the Report of the Police Committee, August 18, 1838.

condign punishment, have baffled the most strenuous efforts of justice."<sup>60</sup> Consequently Indians, especially poor Indians, could expect no redress for wrongs committed by Englishmen in the interior of the districts. There are innumerable instances on record showing how indiscriminately and how often the privileges of Englishmen in India were misused by them. A Minute of the Police Committee, dated August 18, 1838, cites a host of such examples, and so also does the Report of the Superintendent of Police for 1844. As the contributor of an article to the *Calcutta Review* mentioned above observes, "...irretrievably wicked men by their misdeeds have unhappily made the name of the planters (Englishmen settled and employing themselves on, say, Indigo plantation) and even that of Englishmen detestable to many a native ear."<sup>61</sup>

At the time of the enforcement of the Charter Act of 1833 it was considered desirable to amend the law in the light of the past experience and the current way of thinking. Macaulay, the Chairman of the first Law Commission, was to suggest the changes. He prepared a bill which aimed at giving the Englishmen settled in India the same legal privileges as enjoyed by Indians. They were to be brought under the full jurisdiction of the Company's courts, in both civil and criminal matters. The proposal met with stiff opposition from the Calcutta lawyers who wanted to "reserve

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<sup>60</sup>*Calcutta Review*, Vol. VI, No. XI, pp. 145-146.

<sup>61</sup>*Calcutta Review*, *Ibid*, p. 146.

this clientele for the Calcutta bar"<sup>82</sup>, and by the Englishmen in order to preserve their privileges. The lawyers of Calcutta emphatically and vigorously stated that their case under three points: First, that Englishmen settled in India continued to enjoy the full rights and privileges of Englishmen which they would have enjoyed had they not settled down in this country; second, that it was not binding on them to obey the East India Company and its orders, which was a private organization, as they continued to be the subjects of the Crown of England, and as such were free from the purview and jurisdiction of the Courts of the Company; third, that the British Parliament did not enact and never thought of placing the Europeans and the Indians, the conquerors and the conquered on the same footing. Obviously, this kind of reasoning was absurd on its very face, and specially so when we take into account the fact that Macaulay's proposals were criticized more by the English lawyers in Calcutta than by the Englishmen settled in the interior of the country. So great was the opposition to the proposal of Macaulay that a compromise had to be effected. The result was embodied in the so-called Black Act of 1836, whereby Englishmen settled in India were brought under the jurisdiction of the Company's courts in civil matters, while in criminal matters, cases in which both or one of the parties was an Englishman, could be transferred to the Supreme Court, if the party so desired. Naturally enough, most of the criminal

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<sup>82</sup>Chailley: *Administrative Problems of British India*, p. 457.

cases in which Englishmen were involved were tried in the Supreme Court at Calcutta and consequently matters did not improve in practice. Therefore, the Police Committee in its Minute of August 18, 1838, recommended that the British-born Europeans residing in the interior of India should, like all other cases, be placed under the jurisdiction of the Company's local courts "on the broad principle that persons of every description should be subject alike to the control of the authorities where they reside and that no distinction in this respect should exist between one class and another."<sup>83</sup> Nothing, however, could be done and the above-mentioned state of affairs continued for one more generation. It was only in 1872 that Englishmen settled in India were subjected to the jurisdiction of the Company's courts and even then they were to be tried only by "first class Magistrates and Judges of their own race."<sup>84</sup> The Ilbert Bill aiming at the abolition of race distinctions in matters of law and brought out by Sir Courtenay Ilbert, met with great opposition, and again a compromise had to be effected in 1884.

It should be remembered that the privileges enjoyed by Englishmen did not apply to Europeans of any other country; it was the exclusive privilege of the ruling people.

#### DEFECTS IN THE ADMINISTRATION OF JUSTICE

The judicial system of the North-Western

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<sup>83</sup>Calcutta Review, Vol. VI, No. XI of 1846.

<sup>84</sup>Chailley: *op. cit.*, p. 458.



Provinces suffered from some grave defects throughout the Company's rule. The absence of a complete set of laws, civil and criminal, was one of the greatest defects of the system, for no even-handed justice was possible without a codified law. The same dispute or crime could be decided differently by two Judges in the absence of a fixed and written law. As a contemporary periodical rightly said, a law "which lets off murderers, if the weapon of destruction be below the standard weight for murderous weapons as prescribed in the Koran, hardly requires any comment...."<sup>105</sup> The law before 1858 was a patch-work and a time-serving device.

The British-European subjects, as we have just seen, were not amenable to the Company's courts, while the Crown courts existed in the Presidency towns only. This gave the Englishmen settled in India an open hand to commit oppressions throughout the province with little fear of redress from the courts or punishment by the Government.

The number of appeals to which a judicial officer's decisions were subject were many, and he was not sure whether his labours and findings would be properly used by the higher courts. An order passed by a Munsif could be reversed by the Sadr Amin whose decision, again, went to the court of the Principal Sadr Amin. This decision was appealable in the court of the City and Zilla Judge and against his decision an appeal lay in civil cases with the Sadr Diwani Adalat:

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<sup>105</sup>Calcutta Review, Vol. VI. No. XI, pp. 133-140.

Similarly in criminal matters, the punishment ordered by the Indian judicial officials could be revised by the Magistrates and from their decisions appeal lay with the Sessions Judge. The Judges of the Sadr Nizamat Adalat were competent to change the sentence again on appeal. Such a system of appeal was harmful. The worst feature of this system was that the court to which appeal was made did not send for the parties concerned and did not take the depositions and statements of the witnesses, etc., but gave their rulings on the basis of records and papers provided by the lower courts.<sup>86</sup>

The union of the offices of the thief-catcher and the thief-trier was injurious to the offenders, to the community and to the Magistrates. The offender was at a loss for he was not tried by an unbiased Judge but by one whose interest lay in convicting him; injurious to the community as an over-burdened Magistrate could not look into their problems easily and patiently. His energies were spent up in hounding the culprits and in trying them in the court of law; harmful to the Magistrate himself as the thief-catcher could not have so much respect in the society as a Judge should have. Moreover, he was required to do conflicting duties as a result of which he could not do any of them either to his satisfaction or to the satisfaction of the people he governed.<sup>87</sup>

The Judges of the Company's civil courts were usually most irresponsible persons and did not pay

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<sup>86</sup>Calcutta Review, Vol. VI, No. XI, p. 143.

<sup>87</sup>Ibid, p. 149.

any attention to the proper dispensation of justice. The main reason for their lack of interest was that when a Judge came to India, he was unacquainted with the law of the land and the customs and manners of the people of the country. Macpherson admits this grave defect in the following words: "I have most reluctantly come to the conclusion, that it is rarely the case that a Judge, even of a lower rank, examines witnesses in person, or is present in the sense of being attentively or intelligently present at their examinations, although it is usually conducted in the same room in which he is administering justice."<sup>88</sup> Many a time they were unacquainted with the language of the people and never tried to learn it.<sup>89</sup> The attempts of Colvin to improve the judiciary do not seem to have been very successful. Moreover, he came on the scene only a few years before the end of the Company's rule.<sup>90</sup>

The Law prohibited any investigation in the first instance, by a Magistrate, of criminal charges preferred against persons attached to the army of the Company.<sup>91</sup> It prohibited a Magistrate not only from punishing a British-European subject belonging to the forces, but also even from hearing evidence to the charge. All that he could do was to make the offender over to the Commanding Officer of the nearest military station for the purpose of being brought before a

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<sup>88</sup>Macpherson: *The Procedure of the Civil Courts of the East India Company*, p. 277.

<sup>89</sup>Selections From the Papers of Lord Metcalfe, edited by Kaye, p. 285.

<sup>90</sup>Colvin: *John Russell Colvin*, p. 168.

<sup>91</sup>Bengal Regulation XX of 1825.

court-martial and if no effective proceedings were taken against the offender, the Magistrate could report the circumstances to the Governor-General-in-Council who could order the Magistrate to proceed in the ordinary court of law. Lieutenant-Governor Thomason in his report to the Governor-General remarked about this evil: "It was evident that such a state of things amounted to a virtual denial of legal redress against a large class of crimes."<sup>92</sup> Thomason was vehemently against this irregularity in the administration of justice in the province. "If this state of the law were generally known and acted upon", he wrote, "the efforts of the Magistrates to protect the peoples or their own officers in the discharge of a duty which was often very disagreeable, would be liable to be constantly frustrated on the great military thoroughfares, such for instance as the Grand Trunk Road." When the matter was referred to the Advocate-General, he expressed the opinion that with regard to English soldiers, the offences committed by them were only cognizable by the Supreme Court and by the courts martial.<sup>93</sup>

Another defect of the judicial administration lay in the methods adopted by the police authorities to

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<sup>92</sup>Home, Miscellaneous Records (Judicial), No. 7 of December 31, 1852.

The attention of Thomason was directed to this grave defect by the case of one Captain Hicks who assaulted a barkandaz (guard) on duty in Sirsa through which Hicks was passing. The Magistrate could only report the matter to the military authorities either at Ferozpur or at Hansi, no other military station being near about.

<sup>93</sup>Home, Miscellaneous Records (Judicial), No. 7 of December 31, 1852.

elicit confession from the accused. It was reported in a case that torture was practised by "tying up the toes of the prisoner Sheobaulak to his neck and in that state beating him severely on the knee-joint of one leg and the wrist joint of one of his hands, so as to cause inflammation of the tendons around those joints."<sup>94</sup> It was a common practice with the police to beat up the innocent people and get confession from them for crimes in which the poor fellows were not even remotely involved. This was a great drawback of the judicial administration of the province.

Both direct and indirect bribery and corruption prevailed in the provincial judiciary. While on his tour of the Muzaffarnagar district, the Governor-General found at Shamli that the Munsif there held his office in a private building made over to him free of rent by the owner.<sup>95</sup> Naturally, this person influenced the Munsif indirectly. The Munsif was ordered to give up the building and a separate office was constructed for him. Bribes were common more among the low-paid staff than among the handsomely paid English Judges. Metcalfe shrewdly observed that "...the natives discriminate between the character of British functionaries and that of our courts of justice. While they abuse the latter as scenes of injustice and corruption, where nothing is to be obtained but by bribery, and where plaintiff and defendant are alike plundered by native officers and native attorneys, they seem to

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<sup>94</sup>Home, Miscellaneous Records (Judicial) No. 1 of November 19, 1856.

<sup>95</sup>Home, Miscellaneous Records (Judicial) No. 4 of January 30, 1856.

acquit the British Judge of any share in the nefarious practice which they attribute to the court; and constantly appeal to the individual justice of the Judge against the decree which they suppose to have been put into his mouth by corrupt officers of the court."<sup>96</sup> And to a great extent the observations of Metcalfe were correct. The North-Western Provinces judiciary was none the better than what it is today.

An important defect of the superior courts of the Company was that they attached greater importance to technicalities and emphasised the letter of the law rather than its spirit, and thus more often than not missed the real point. This flaw was pointed out by Henry Lushington as early as 1853.<sup>97</sup>

The administration of justice both in India and in the North-Western Provinces was not a strong point with the Government, and few administrators were satisfied with it.<sup>98</sup> Even the public was not interested in the judicial administration of the East India Company and witnesses, who were not prepared to go to the Court, had to be kept there in chains lest they run away.<sup>99</sup> The Government itself seems to have been indifferent towards the judiciary and sufficient importance was not attached to the training of the judicial officers.

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<sup>96</sup>Selections from the Papers of Lord Metcalfe, edited by Kaye, p. 45.

<sup>97</sup>Lords Report, 1852-53, Lushington on April 21, 1853, Question No. 4413.

<sup>98</sup>A. Colvin: John Russell Colvin, p. 168.

<sup>99</sup>For one such case in which the Magistrate of Agra found before him a long line of witnesses chained together and was corrected when he mistook them for convicts is referred to by Percival Spear: *Twilight of the Mughuls*, p. 112.

It was not necessary for the Judges of the Crown Courts to know either the language or the law of the people of the country. As Frederick James Halliday put it, the system of justice was "too combrous and complicated,"<sup>100</sup> and needed many reforms before it could be called a satisfactory one. It was, however, far better in the North-Western Provinces according to some authorities than in any other part of India.<sup>101</sup> Mr. Charles M. Coldecott attributed the superiority of justice in the province to the character of the people.

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<sup>100</sup>Lords Report, 1852-53, Halliday on April 8, 1853, Question No. 3318.

<sup>101</sup>Commons, Fourth Report, 1852-53. Vol. XXVII, Question No. 3654. Charles M. Coldecott on April 28, 1853.

## CHAPTER VIII POLICE AND PRISONS

### I POLICE

#### *Police Personnel*

The Magistrate-Collector in the districts of the North-Western Provinces was one of the most over-worked officers of the Government of the East India Company. Up to the Revolt of 1857-58 he exercised power and undertook duties which, subject to his general supervision and direction, are now delegated to his subordinates. Besides the collection of the land revenue and other taxes and the administration of the district, he was the chief education officer, in charge of the construction of roads and bridges and the chief judicial officer in some cases, as also the chief of the police in his jurisdiction. Three police corps had been raised in the province during the time of Lord Ellenborough in order to relieve the military of the civil duties previously performed by it<sup>1</sup>, but so far there was no separate head of the police though an urgent need for a special police assistant to the Magistrate was felt on all hands.<sup>2</sup>

In the police branch of administration, the Magistrate-Collector had under him a number of Indian revenue officials called Tahsildars who looked

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<sup>1</sup>Cowell: *History and Constitution of the Courts and Legislative Authorities in India*, p. 206.

<sup>2</sup>Campbell: *Memoirs of my Indian Career*, Vol. I, p. 156.



after the revenue and the police matters in the tahsil of which they were in charge. They could imprison an accused or a suspected person, though for a brief period of time only, and, if empowered by the Magistrate, could try petty cases and impose small fines. Thus they did quite a large amount of work which the Magistrate-Collector was expected to do. The Tahsildar had almost the same duties as the Darogha of the former days.<sup>3</sup> He also advised the Magistrate in important matters relating to his tahsil. A good tahsildar, says a District Magistrate of the North-Western Provinces, "is the most useful person and well earns his salary of Rs. 200/- per month."<sup>4</sup> There were normally 219 tahsildars in the thirty-one districts of the Province and their salary ranged between one hundred to three hundred rupees per month.<sup>5</sup>

The Tahsildar was assisted in his work by his assistant, then called the 'Deputy Tahsildar' and now known as the Naib-Tahsildar.<sup>6</sup>

Under the Tahsildar was the police Thanadar or the official in charge of the police station. There were many Police Thanas in a tahsil, and all the thanas were under the supervision of the tahsildar. The thanadar's jurisdiction was kept intentionally small so that he

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<sup>3</sup>Calcutta Review, Vol. XXI, article 6, 'James Thomason, late Lieutenant Governor, p. 505.

<sup>4</sup>Raikes: Notes on the North-Western Provinces of India, pp. 219-220.

<sup>5</sup>Thomason's Minute on Police dated May 22, 1845, vide Home, Judicial Proceedings, No. 13 of September 20, 1845.

<sup>6</sup>Raikes: Notes on the North-Western Provinces of India, p. 220.

might look after peace and order easily and efficiently. Consequently, the thanas were "scattered throughout the district, in stations probably ten or fifteen miles apart."<sup>7</sup> The salary of the thanadar ranged between twenty-five and fifty rupees per month. Next to the thanadar at the police station was the Jamadar who was the deputy or assistant to the thanadar. Then there was the writer or the Moharir. The Jamadar and the Moharir received as their salary from eight to ten rupees per month. Besides, there were the constables, called barkandazes, who received four rupees as their monthly salary.

It was upon the efficiency or otherwise of the thanadar that the police administration mainly depended for its success or failure. Because the Collector-Magistrate and the Tahsildar were over-burdened with revenue duties, much of the police duties were left to the Thanadar. He was not only a police official in charge of the thana, but also in a way a judicial assistant to the District Magistrate. He was empowered by the Magistrate to arrest suspected persons, to keep them for the required period of time in the police station in his custody and finally to take down depositions from the plaintiff and confessions of the accused, "and, in fact, hold a preliminary trial before sending them (parties) to the headquarters of his district."<sup>8</sup>

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<sup>7</sup>The Army and Navy Magazine, London, Vol. VII, November 1883, article on 'Police in the North-Western Provinces of India' by 'A District Superintendent.'

<sup>8</sup>'Police in the North-Western Provinces of India' by 'A District Superintendent' in Army and Navy Magazine, London, Vol. VII, November 1883.

The Thanadar sometimes acted as a petty judicial official, while he performed his regular police duties. A person who was the thief-catcher was, thus, also the prosecutor and the Judge—a strange combination of powers, indeed. Under these circumstances, the impartial investigation of a case and the administration of justice became very difficult and rare. If at all a Thanadar was an unusual person who could rise above himself, the accused was always suspicious of the thanadar's activities and he was the last person who could expect justice at the hands of this police official. The Thanadar, whose promotion depended upon his professional success, was directly interested in proving that the persons he had arrested were the actual criminals and culprits.<sup>9</sup>

The lowest, but not the least important, persons in the Police department were the village watchmen or the chaukidars. The chaukidar belonged to the village community and was remunerated by a small holding of the village lands. He was a servant of the village and the zamindar, and not of the Government.<sup>10</sup> The landlord and the village headman, therefore, were still as strong as before, and had an important place in the police administration of the province. They were entrusted with the duty of maintaining the public peace in the rural areas and assisted the Government in rounding up the bad characters and law-breakers. That is why the remark of 'A District Officer': "The

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<sup>9</sup>Police in the North-Western Provinces of India by a District Superintendent, vide *Army and Navy Magazine*, November 1883.

<sup>10</sup>*Calcutta Review*, Vol. XXI, article VI on James Thomason, p. 504.

police without their ( village landlords' ) aid can do very little."<sup>11</sup>

### FUNCTIONS OF THE POLICE

The police were entrusted with many duties in the proper maintenance of peace and order. There were many irons in the fire for the police, and all problems had to be solved almost simultaneously.

#### (a) *Thagi*

It was as early as 1810 that General St. Lager, the Commander-in-Chief, cautioned his soldiers against "a description of murderers denominated Thags" who infested the districts of the Doab and other parts of the Upper Provinces. The Government, however, took no notice of these bad characters. The result was disastrous for the peace and proper administration of not only these areas but of the whole of the North-Western Provinces and the Central India. Gang-robberies and thagi became wide-spread all over and, therefore, at last Bentinck had to institute a new department for the suppression of Thagi under the supervision of Colonel Sleeman. The Colonel came into close contact with the thags, apprehended some of them and, holding out promises not only of pardon but also of employment under the Company, soon wormed their secrets out of them. The 'approvers' revealed all the secrets of the thags with regard to their gangs and their method of work. An account of the

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<sup>11</sup>Raikes, Notes on the North-Western Provinces of India, pp. 222 and 224.

discoveries made by Sleeman has been recounted by him in his 'Report on the Depredations Committed by the Thag Gangs of Upper and Central India' which was published at Calcutta in 1840. Landon has referred to a famous thag leader Amir Ali who turned an informer and thus saved his life. Amir Ali confessed 798 murders and was in jail for twenty-four years.<sup>12</sup>

It is interesting to note, however, that "Bengal was far more subject to brigandage than more recent acquisitions and less civilized tracts."<sup>13</sup> In the North-Western Provinces the gangs of thags had been destroyed and scattered by 1852; in Bengal, on the other hand, there were numerous river thags and road thags, "and even in 1854 as many as 250 boats manned by these miscreants were infesting the Ganges between Calcutta and Banaras".<sup>14</sup>

### (b) *Dacoity*

The most useful work accomplished by the police of the North-Western Provinces was the suppression of dacoity and robbery. Gangs of robbers and dacoits haunted the public highways and perpetrated crime of all sort, most frequently by violence attended with murder and death and committed at night. Treasures and other portable articles of value were the

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<sup>12</sup>T. D. Landon: *Narrative of a Journey Through India*, p. 67.

For details regarding the life and activities of the thags see Sleeman's Reports and Captain Taylor: *Confessions of a Thag*.

<sup>13</sup>Sir Patrick Fagan in the *Cambridge History of India*, Vol. VI, p. 34.

<sup>14</sup>*Ibid*, pp. 33-34.

objects of their attack. Dacoity was followed as a profession by some influential persons and landlords of the pre-British days who had been uprooted and left without a living due to the new revenue system and the record of rights prepared by the British administrators of India, specially in the North-Western Provinces. Kaye recalled to memory that "Warren Hastings complained that the farming system had a tendency to extend and perpetuate this evil," and then he added: "And the same fact is insisted upon and demonstrated on the evidence of the dacoits themselves, by the present generation of British functionaries."<sup>15</sup> These dissatisfied and uprooted people were joined by the bad characters and professional thieves and robbers of the area. In course of time the combination of these people became very dangerous to the peace of the province as they spread all over and plundered and robbed the civil population wherever they happened to go. In order to suppress dacoity, therefore, it was decided to institute the office of a Superintendent for the suppression of Dacoity and Sir Charles Metcalfe the Lieutenant-Governor of the North-Western Provinces made arrangements for it on receiving the permission of the Supreme Government.<sup>16</sup> In April, 1837, this first attempt to suppress dacoity was made when Hugh Fraser was appointed to the post and was given special magisterial powers throughout the province. The Commission of Hugh Fraser was in operation for

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<sup>15</sup>J. W. Kaye: *Administration of the East India Company*, p. 391.

<sup>16</sup>Macnaghten to Bushby No. 28 on February 27, 1837, vide Home, Judicial Proceedings, No. 17 of February 27, 1837.

about a year and a half, but no improvement could be effected by it. Therefore, when Lord Auckland took over the North-Western Provinces administration on January 1, 1838, he decided to unite the two offices for the suppression of Thagi and Dacoity under Colonel Sleeman, who had shown unusual success in suppressing Thagi. This meant a saving to the tune of eighteen thousand rupees per year<sup>17</sup> for the Government. Sleeman was successful in his assignment, and the crimes of dacoity and robbery were suppressed through the agency and co-operation of 'informers' and 'approvers'. Sleeman started a vigorous and well-sustained pursuit of the dacoits in all parts of northern India and thus broke the gangs of robbers and dacoits at the places of their origin. He gave detailed accounts of the lives and characters of these dacoits in his voluminous reports, in which Ajit Singh and Ranjit Singh figure prominently.<sup>18</sup> It should not, however, be supposed that all the gangs of robbers were broken up; Sleeman put an end to the dacoity of Budhuk tribe and other combinations, but some scattered groups of dacoits continued to exist. After Sleeman, the police did not act as efficiently as it should have done in rounding up the robbers. A big gang of robbers which plundered several districts of the province had its headquarters at Agra and "the police for a long time closed their eyes to its operations."<sup>19</sup> And when ultimately the gang was caught

<sup>17</sup>Auckland to Court of Directors on May 3, 1839, vide Home, Miscellaneous Records (Judicial) No. 5 of 1839.

<sup>18</sup>Criminal Justice Report for 1841, vide Home, Miscellaneous Records (Judicial) No. 6 of August 3, 1841.

<sup>19</sup>Chailley: Administrative Problems of British India, pp. 439-440.

and inquiries held, it was found out, records a French commentator on British Indian administration, that there were many criminals in the gang "who escaped arrest by periodical payments to the police."<sup>20</sup> These gangs were quite big and sometimes the number of dacoits in them rose to forty or fifty. There were a number of gangs under different leaders and some of them co-operated with one another in their depredations. The plan of operation of these gangs was always "to descend suddenly, in force and under cover of night, on a town or village and pillage the house of some wealthy person." At times, "in order to avoid suspicion," they travelled "as a marriage procession, while their weapons were hidden in bundles of grass." As late as 1900, Mohan Lal, a gang leader, revealed that he "often obtained information as to houses worth robbing from the police, and shared his profits with them."<sup>21</sup> Indeed, this is a sad commentary on the history and achievements of the nineteenth century police.

Rohilkhand was a criminal area of the province and a large number of robbers and dacoits had their headquarters in that region. The jails here were full of criminals and the police was almost always busy in rounding up the culprits.<sup>22</sup> The criminal record of the Kanpur district also was very bad and deplorable. In the early years of the North-Western Provinces, there-

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<sup>20</sup>Chailley: *Administrative Problems of British India*, p. 440.

<sup>21</sup>*Ibid.*

<sup>22</sup>Auckland to the Court of Directors on February 13, 1838, vide Home, *Miscellaneous Records (Judicial)* No. 1 of 1838.



fore, a Special Magistrate had to be appointed for maintaining peace and order in Kanpur.<sup>23</sup>

(c) *Tarai Bandits*

A large number of bad characters had established themselves in the hills and forests of the tarai area just below the Himalaya mountains. They had become unusually bold and committed the most fearful atrocities against merchants and travellers passing through the area with their merchandise and belongings, and the herdsmen going with their cattle. It was reported to Lord Auckland when he was in the North-Western Provinces that hill-dacoits had made the lives of the inhabitants living in the villages and towns bordering on the forest most insecure. Skeletons of human beings were usually found tied to trees and corpses of people butchered in cold blood were discovered on the highways. Life and property had become so insecure that "the village of Rudrapur (in Dehra Dun) was stated by the remaining inhabitants to have been reduced from a thriving town to a miserable hamlet by the oppressions of robbers."<sup>24</sup> Auckland, therefore, had to appoint a Joint-Magistrate specially for the tarai to check the activities of robbers and dacoits. At the same time, the talsildars throughout the North-Western Provinces were authorized to exercise the powers of

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<sup>23</sup>Governor of Agra to the Court of Directors, vide Home, Miscellaneous Records (Judicial) No. 7 of July 10, 1835.

<sup>24</sup>Auckland on Administration of Justice in 1836, vide Home, Miscellaneous Records (Judicial), No. 18 of December 10, 1837.

police and thus help in the suppression of crime in accordance with Regulation XI of 1831.<sup>25</sup>

(d) *Foreign Robbers*

The Awadh frontier on three sides of the North-Western Provinces gave considerable trouble to the police and was a source of constant danger to the peace of the province. The weak Government of Awadh had no control over these frontier areas, while in the interior of that Kingdom also the conditions were not very enviable. The country was difficult—there were no roads and travelling on bullock-carts, etc., was very troublesome. The bad characters of Awadh were almost independent due to this reason, and as a result thereof the people of the neighbouring districts of the North-Western Provinces had to suffer from their depredations.<sup>26</sup>

A large number of bandits and robbers used to enter into the province, according to Metcalfe, from a distance, usually from outside the Company's territories—from Awadh and the Sindbia's territories. The Company's districts were exposed to their depredations. Metcalfe was, however, convinced that though the robbers had their origin outside the Company's territories, "they must generally have local aid in the vicinity of the places of their attack"<sup>27</sup> Woodcock, the

<sup>25</sup>Auckland on Administration of Justice in 1836, vide Home, Miscellaneous Records (Judicial) No. 18 of December 10, 1837.

<sup>26</sup>Metcalfe to Auckland on January 11, 1837, No. 1421, vide Home, Judicial Proceedings, No. 12 of February 27, 1837.

<sup>27</sup>Ibid.

Commissioner of Banaras, too, found it difficult to believe that they (frontier bandits) could prevail without some connivance and assistance from the regular residents.<sup>28</sup> Similarly, Alexander Ross in his Minute of February 27, 1837, expressed the opinion that gangs of such robbers were formed and their head quarters were located away from the place of their activities. But, he said, the local police could do little, or nothing, against these gangs.<sup>29</sup> Robinson, the Commissioner of Agra, rightly reported that the Awadh territory "offered complete immunity to our proclaimed offenders who all throng thither."<sup>30</sup>

Ultimately, therefore, the Government of the North-Western Provinces had to raise a Special Police Battalion for the preservation of public peace on the Awadh frontier in 1844.<sup>31</sup> This Special Police Battalion was divided into two—the eastern frontier police and the north-western frontier police. The Magistrates of districts adjacent to the Awadh and Gwalior frontier were required to co-operate with this special police. Of the two branches, the eastern frontier police under Captain Orr was "very successful" in its work. "Old proclaimed offenders have been apprehended, plunder has been prevented and every end has been accomplished that could be desired."<sup>32</sup> The north-western Awadh

<sup>28</sup>Police Report of the Agra Presidency for 1835, vide Home Miscellaneous Records (Judicial), No. 1, of April 30, 1836.

<sup>29</sup>Minute of Ross, vide Home, Judicial Proceedings, No. 15 of February 27, 1837.

<sup>30</sup>Thornton to Elliot, 193 A of May 27, 1847, vide Home, Judicial Proceedings No. 6 of October 23, 1847.

<sup>31</sup>Ibid.

<sup>32</sup>Ibid.

frontier police, however, was not successful in its object. In spite of the best efforts of Captain Hearsay, who was in charge of it, robbers from the Awadh side continued to plunder and pillage the North-Western Provinces, so much so that Buller, the Magistrate of Shahjahanpur, had to report on January 13, 1847: "as far as the interests of that district are concerned, the Oude Frontier Police does not exist."<sup>33</sup> Peace and order was established in the province only after Awadh was annexed by Lord Dalhousie and proper administration was introduced there.

#### STRENGTH AND EFFICIENCY OF THE POLICE

The strength of the military police employed for civil duties in the North-Western Provinces was an important factor in the improvement of law and order. In May, 1845, the strength of the armed police<sup>34</sup> was as follows :—

	District	Description of Police Corps	Number of Officers
1.	Banda & Hamirpur	1st. & 2nd. Battalion Military Police.	69
2.	Agra, Mainpuri & Farrukhabad	Agra Police Battalion.	24
3.	Meerut, Bulandshahr & Muzaffarnagar	Meerut Police Battalion.	24
4.	Delhi, Sirsa, Rohtak, Gurgaon & Hisar	Delhi Police Battalion.	24
5.	Ambala & Saharanpur	Ambala Police Battalion.	24
6.	Bareilly & Budaun	Bareilly Police Battalion	23

<sup>33</sup>Thornton to Elliot, 193 A of May 27, 1847, vide Home, Judicial Proceedings, No. 6 of October 23, 1847.

<sup>34</sup>Shakespear to Bushby, 1286 of July 19, 1845, vide Home, Judicial Proceedings, No. 30 of August 9, 1845.

The total expenditure<sup>35</sup> on the military police employed for civilian duties in the North-Western Provinces including the salary of the policemen and the officers in 1845 was Rs. 1,16,877-13-4.

An idea of the efficiency and utility of the police, corrupt though it was, can be had from the fact that during the forty years of the administration of the East India Company in the Upper Provinces (1803-1845) a considerable change for good took place in the atmosphere of the country and the character of the people. The people of the North-Western Provinces settled down to peaceful avocations of life and they were "no longer the plundering and marauding people they once were."<sup>36</sup> Thomason was of the opinion that the best means of improving the police administration of the province was "to raise the respectability of the police and to draft into them men of higher intellectual and moral qualities rather than to strengthen their organization."<sup>37</sup> His successor Colvin established an official Police Gazette "in order to disseminate quickly over the province the news of heinous crimes and to strengthen a feeling of solidarity among the force."<sup>38</sup> Both these steps contributed to the efficiency of the police.

One great reason for the alleged inefficiency of the police, especially against that of the pre-Revolt

<sup>35</sup>Shakespear to Bushby, 1286 of July 19, 1845, vide Home, Judicial Proceedings, No. 30 of August 9, 1845.

<sup>36</sup>Thomason: Despatches, Minutes, etc., Vol. I, P. 164; Also Home, Judicial Proceedings, No. 13 of September 20, 1845.

<sup>37</sup>Thomason's Minute on Police, vide *Ibid.*

<sup>38</sup>A. Colvin: John Russell Colvin, p. 169.

period, was the comparative neglect of the police and justice and the undue attention devoted by some Governors and Lieutenant-Governors to the revenue department. They thus neglected the other branches of administration and left them in the hands of their selfish and unscrupulous subordinates, and the Magistrates themselves were too hard pressed for time to look to the police. The union of the offices in the Magistrate also was greatly responsible for the inefficiency of the police. As Stockvale, the Commissioner of Moradabad, rightly complained in 1835: "Police has been comparatively neglected in consequence of the increased attention paid of late years to the revenue affairs and that measures are necessary to replace it on its former footing of importance, before efficient and successful management can be secured."<sup>29</sup> This was really a very important factor, for from 1822 onwards the reform in and the settlement of land revenue of the province had taken up most of the time of the officials.

#### DEFECTS IN THE POLICE

Among the evil practices of the police, mention may be made here of the methods adopted by them to elicit confessions from the accused persons. Once an individual was caught on suspicion, the police resorted to almost inhuman methods of extortion. A notable case of this nature is on record in the report of the Administration of Civil Justice for the third quarter of

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<sup>29</sup>Police Report of the Agra Presidency, 1835, vide Home, Miscellaneous Records (Judicial) No. 1 of April 30, 1836.

1855. That year in the Salimpur Thana of Gorakhpur the police behaved very high-handedly in the case of a prisoner charged with burglary in order to elicit confession from him. The Naib-Darogha tortured the accused by "tying up the toes of the prisoner Shivalak to his neck and in that state beating him severely on the knee-joint of one leg and the wrist-joint of one of his hands, so as to cause inflammation of the tendons around those joints."<sup>40</sup> Later, he was sentenced to five years' imprisonment with labour in chains by the Sessions Judge. As a result of the injuries received from the torture, the Civil Surgeon's report stated that the right knee and the left wrist of the accused were likely to be crippled for life—which came out true.<sup>41</sup> Even 'A District Superintendent of Police' admitted in his article on the police in the North-Western Provinces that: "extortion of a galling type was almost universal."<sup>42</sup> This is by no means a solitary example of the excesses of the police; many more of this type can be easily collected from the official records.

In the pre-Revolt North-Western Provinces, as today in the Uttar Pradesh, illegal gratification and bribes were usual with the police officials as well as rank and file. These gratifications and bribes assumed many forms and were received by the police in cash and kind and in the form of personal services. That the

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<sup>40</sup>Judicial ( Civil ) Report for 3rd. quarter of 1855, vide Home, Miscellaneous Records, No. 1 of 1856.

<sup>41</sup>Ibid.

<sup>42</sup>Police in the North-Western Provinces of India, by 'A District Superintendent' in *Army and Navy Magazine*, op. cit. 1883.

corruption among the police officials increased when the police duties were taken over from the Magistrates by a separate police official, was the opinion of George Campbell.<sup>43</sup> Kaye had to admit: "Police is the weakest point of our administration."<sup>44</sup> "The police ... is universally condemned as a source of general oppression", wrote Bentinck to Metcalfe and again to Auber: "the police management is beyond measure oppressive" and everyone "in and out of authority, admits fully the extent of their exactions and most tormenting and exacting conduct."<sup>45</sup>

The police as a civil body had never existed in the province before the Revolt of 1857; there was armed police for civil duties exclusively. This body was practically swept away immediately on the outbreak of the Revolt in 1857, and during the rest of that year—nearly six months—police in the province did not exist. In 1858, however, a new body called Military Police was established which was officered by youngmen who had originally commanded the Native Army and whose regiments had disappeared during the Revolt. Military Police Battalions were established after the Rebellion was suppressed in each of the districts. The recruitment of policemen was a matter of great importance and was made with caution during

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<sup>43</sup>Campbell: *Memoirs of My Indian Career*, Vol. I, pp. 157-158.

<sup>44</sup>Kaye: *Administration of the East India Company*, pp. 348 and 352.

<sup>45</sup>Bentinck Papers, Bentinck to Charles Metcalfe on 16 September 1829. Bentinck to Peter Auber on 14 December 1829 and Bentinck's Minute dated February 10, 1829, vide Percival Spear: *Twilight of the Mughals*, p. 112.



the Revolt. Major G. W. Williams, the Superintendent of the Police Battalions in the province, reported to the Government on February 12, 1858, that the recruiting officers had been instructed "to be very careful as to the character of the men they enlist, and not to allow any one tribe or caste to predominate. . . ."<sup>46</sup> The strength of this police<sup>47</sup> in February 1858. was as follows :

STATION	Horse			Foot		
	Native Officers	Non-Commissioned Officers	Sawars	Native Officers	Non-Commissioned Officers	Nujeebs
Agra	14	51	425	12	31	747
Aligarh	4	6	150	2	10	100
Bulandshahr	9	14	400	8	30	400
	4	30	400	6	30	300
Meerut	16	53	634	13	61	639
Mainpuri	2	9	150	..	..	..
Mathura	2	9	150	..	4	150
Muzaffarnagar	2	4	50	1	10	100
Proceeding to join duty	6	20	225	..	..	400
TOTAL	59	196	2,604	42	176	2,836

The main duty of the military police was to hunt out and punish the local rebels and other recalcitrant people in the interior of the districts who opposed the Government or impeded its way in the re-establishment

<sup>46</sup>Williams to Muir, No. 36 of February 12, 1850, vide Home, Public Proceedings, No. 6 of March 12, 1858.

<sup>47</sup>Ibid.

of peace and order after the Revolt. They were broken up into small detachments and parties and spread all over the province, including the interior and unfrequented corners of every district, and this measure, therefore, proved very successful. The credit for the easy and quick rehabilitation in the North-Western Provinces goes to a great measure to this military police. In the absence of exact returns about the military police Lord Canning, however, guessed in 1839 that "they number upwards of 28,000 men at a monthly cost of about three lakhs and a quarter" of rupees.<sup>48</sup> It was, therefore, decided to reduce the number, but the reduction was to be effected not by retrenchment, but by making no more recruitment.

A re-organization of the police took place in 1861 when the Lieutenant-Governor adopted the Police Act passed by the Governor-General-in-Council that year. A Superintendent of Police was now appointed in each district and the Magistrate was absolved from his police duty.

In spite of some defects, the police of the North-Western Provinces was far better organized and far more useful than similar bodies in other provinces. As J. C. Marshman told the Commons Parliamentary Committee on April 25, 1853, in this province the superiority of the police "arose in a great measure from the superior spirit of independence of the people themselves and that if a Darogha in the North-Western

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<sup>48</sup>Grey to Couper, No. 1349 on July 9, 1859, vide *Home, Public Proceedings (Judicial)* No. 1 of July 15, 1859.

Provinces or a Tahsildar were to make any body of men the same demand in the North-Western Provinces which are made every day in Bengal, he would have his head broken immediately."<sup>49</sup> He considered the achievements of the police in this province to be "admittable."<sup>50</sup> The same sentiments were expressed by F. J. Halliday on April 12, 1853, when he told the same Committee: "The police in the Upper Provinces do not oppress the natives under them to the same extent that they do in the Lower Provinces."<sup>51</sup>

## II

### PRISONS

In the early years of the Government of the East India Company in the Upper Provinces, the jails were very badly managed and there were no set rules and regulations governing them. Even as late as 1838-39, Lord Auckland observed in his Report on the North-Western Provinces during his direct rule that "the jail buildings ( and administration ) of these provinces are for the most part very defective."<sup>52</sup> He repaired the jails at Delhi and Mathura and made some additions to their buildings. Also, a new prison was recommended for construction at Bareilly.<sup>53</sup> In compliance of a despatch from the Court of Directors, a bold experiment

<sup>49</sup>Commons Report, 1852-53, Vol. XXVII, Question No. 3560. Also see Lords Report, 1852-53, Vol. XXXII, Question No. 5071.

<sup>50</sup>Commons: Ibid, Question No. 3558.

<sup>51</sup>Lords Report, 1852-53, Vol. XXXII, Question No. 3612.

<sup>52</sup>Minute of Auckland, February 4, 1840, vide Home, Public Proceedings, No. 2 of March 11, 1840.

<sup>53</sup>Ibid.

was started by Lord Auckland when he sanctioned the construction of single-seated cells in the jails at Agra and Banaras.<sup>54</sup> He also appointed well-qualified jailors as an experimental measure on a salary of one hundred rupees per month. It was expected that as a result of this change the jail administration and discipline among the prisoners would improve considerably.<sup>55</sup> Later, these posts were made permanent.

As the jail administration expanded, it was felt necessary to appoint a senior officer to supervise and co-ordinate the jails throughout the North-Western Provinces. Therefore, in 1844 an Inspector of Prisons for the North-Western Provinces was appointed. This office was created in 1844 as an experimental measure and its first incumbent, W. H. Woodcocks, was given a salary of rupees 2,500 per month.<sup>56</sup> The next incumbent in this office was Thornhill. In the North-Western Provinces there were forty jails, and all of them were controlled and their affairs co-ordinated by the Inspector of prisons.<sup>57</sup>

There was a considerable increase in the number of prisoners in the jails of the North-Western Provinces. In July 1829 there were something over ten thousand prisoners in the Upper Provinces, and in July 1839, i. e., within ten years their number had risen to twenty-

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<sup>54</sup>Minute of Auckland dated February 4, 1840, vide Home, Public Proceedings, No. 2 of March 11, 1840.

<sup>55</sup>Ibid.

<sup>56</sup>Davidson to Thornton, No. 79 of November 30, 1844, vide Home, Judicial Proceedings, No. 14 of October 12, 1844, and No. 9 of November 30, 1844.

<sup>57</sup>Thornton to Curry, No. 2344 of June 3, 1846, vide Home, Judicial Proceedings, No. 4 of July 11, 1846.

three thousand—an increase of about 2 times.<sup>58</sup> Lord Ellenborough in his report to the Court of Directors in 1843 expressed great dissatisfaction at the large numbers of prisoners and the length of the terms of imprisonment of convicts. He felt that penalty of death was essential in some cases; imprisonment alone meant nothing more than filling the jails unnecessarily and thus increasing the cost of maintaining them. The number of guards or barkandazs also was increasing in the jails; for instance 21,607 prisoners of the province in 1842 necessitated as many as 3,601 guards to watch them. The Governor-General felt that the increasing number of prisoners was an evil which must be checked. Transportation of prisoners was no remedy, as it only transferred them from the country to some other place beyond the sea “at an enormous expense.” At the same time, imprisonment as such did not deter people from crime, for imprisonment was so easy. “No punishment which is withdrawn from the sight of the public”, he said, “can have much effect in deterring from crime. It neither improves the person punished, nor deters others from following his example.”<sup>59</sup> He suggested the re-introduction of corporal punishment in place of imprisonment which, he thought, would be a better type of punishment. The only method of improving the prison administration and minimising the congestion in the prisons was, according to Ellen-

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<sup>58</sup>Robertson's Minute on North-Western Provinces, dated January 13, 1843, vide Home, Public Proceedings, No. 5 of March 8, 1843.

<sup>59</sup>Ellenborough to Court of Directors on May 10, 1843, vide Home, Miscellaneous Records, No. 3 of May 10, 1843.

borough "to make that ( corporal ) punishment notoriously so severe as to be dreaded worse than the extreme penalty of death."<sup>60</sup>

In spite of all the efforts of the Government, the number of prisoners did not decrease materially and remained almost the same. In May 1857, for instance, there were 19,708 prisoners in all the jails of the North-Western Provinces.<sup>61</sup> During the Revolt of 1857-58 and the confusion following it, a large number of prisoners escaped from the jails. Of the escaped prisoners, by March 1859 as many as 1,181 were recaptured by the exertion of the police, while 327 surrendered themselves to the Government. The total number of prisoners in the province in March 1859 was 3,763.<sup>62</sup>

A veritable headache to the jail authorities and the Government was created by the prisoners sentenced to life-term imprisonment. "Being reckless as to any further punishment", they were dangerous people to be dealt with.<sup>63</sup> A serious incident took place on November 30, 1842, in the prison at Bareilly when, according to the report of Clarke, the Magistrate, sixteen life-term prisoners while returning from labour in the evening overpowered the guards and killed two barkandazs, shot down the Naib-Jamadar and wounded

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<sup>60</sup>Ellenborough to Court of Directors on May 10, 1843, vide Home, Miscellaneous Records, No. 3 of May 10, 1843.

<sup>61</sup>Thornhill to Stanford, No. 38 on April 18, 1859, vide Home, Public Proceedings (Judicial) No. 9 of June 17, 1859.

<sup>62</sup>Thornhill to Stanford, No. 38 on April 18, 1859, vide Home, Public Proceedings (Judicial) No. 9 of June 17, 1859.

<sup>63</sup>Robertson's Minute of December 12, 1840, vide Home, Judicial Proceedings No. 7 of January 11, 1841.

five or six others. With the help of some other prisoners, these life-term convicts challenged the police and twenty-five of them absconded in the dusk of the evening "with firearms, ammunitions and swords in the hands, after burning the jailor's house and several ranges of huts."<sup>64</sup> The Government of the North-Western Provinces, therefore, had to caution the Sadr Nizamat Adalat that labour duty imposed on the life-term prisoners in small prisons of the province was liable to similar out-breaks and asked them not to employ such prisoners on labour without a strong police force always at hand.<sup>65</sup> It was suggested by the Lieutenant-Governor of the province that all the long-term prisoners, i. e., prisoners with terms of imprisonment for more than six months, be kept in a separate prison which should be strong enough to defy their attempt to run away or commit some other mischief. For this he recommended the construction of a Central Jail for the North-Western Provinces at Aligarh, as the transportation cost of the desperate prisoners from here to the Alipore Jail near Calcutta was too heavy. The new Aligarh Jail was expected to save the unnecessary expenditure incurred on the increased number of special guards for such prisoners in the numerous District Jails.<sup>66</sup> The same sentiments were expressed

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<sup>64</sup>Hamilton to Halliday, No. 2826, on December 31, 1842, vide Home, Judicial Proceedings, Nos. 14 and 15 of January 20, 1843.

<sup>65</sup>Hamilton to Sadr Nizamat Adalat, No. 2824 on December 31, 1842, vide Home, Judicial Proceedings, No. 17 of January 20, 1843.

<sup>66</sup>Hamilton to Mansel, No. 3390 on December 11, 1843, vide Home, Judicial Proceedings, No. 6 of January 13, 1844.

by Lord Ellenborough in his Report to the Court of Directors. He said: "It seems very objectionable that prisoners for life should be confined in the same jail with prisoners for terms of years, when the separation cannot be made perfect between the different classes" by the jail authorities. He repeated the suggestion of Robertson that "it would be desirable to bring together into one jail all the persons sentenced to imprisonment for life, and no place has appeared to offer such advantage as the fort of Allyguth (Aligarh) for the confinement of such prisoners."<sup>67</sup> Aligarh was finally selected for the purpose and the Governor-General's sanction was given to it on May 11, 1844.<sup>68</sup>

Thornhill, the Inspector-General of Prisons, divided prisoners in the jails into two categories—(i) the short-term convicts imprisoned for less than six months, and (ii) long-term convicts imprisoned for more than six months. He also advocated the establishment of large Central Jails with intra-mural labour. An experiment was made at Agra which proved successful. Therefore, six jails in the North-Western Provinces, namely those at Agra, Allahabad, Barcilly, Banaras, Jabalpure and Meerut were converted into large Central Jails, and in these new jails all those prisoners were lodged who were sentenced for long terms of imprisonment exceeding six months. Each of the Central Jails was put under one whole-time European

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<sup>67</sup>Ellenborough to the Court of Directors, May 10, 1843, vide Home, Miscellaneous Records, No. 4 of May 10, 1843.

<sup>68</sup>Davidson to N. W. P. Secretary, No. 29 on May 11, 1844, vide Home, Judicial Proceedings, No. 12 of May 11, 1844.



Superintendent of Jails exclusively for the care and proper administration of the Central Jails.<sup>69</sup> As a result of this reform introduced by Thornhill, a number of smaller prisons were abolished in the province and thus an economy effected in the jail administration. By 1855, for instance, prisons of Aligarh (smaller one), Badaun, Mathura and Hamirpur were closed down.<sup>70</sup>

The prisoners in the North-Western Provinces were employed in some useful and productive activity while they were in the jail. Lord Auckland suggested that the prisoners should be taught some handicrafts and employed in the cottage scale manufacture of articles which could be produced within the four walls of the jail. This scheme was put into force and the prisoners were given training in the manufacture of many simple articles. Lieutenant-Governor Robertson, however, did not find much value in this scheme and was opposed to it. He worked on a fresh scheme, and utilized the prison-labour in the construction and repair of roads. He tried this plan on the road between Mainpuri and Agra and that between Mathura and Hathras. His experiment was successful. He suggested, therefore, that schemes like the above one could be tried for the repair of the Grand Trunk Road. According to his calculations, 6,000 prisoners distributed in small groups of fifty each could repair and maintain in proper condition the Grand Trunk Road

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<sup>69</sup>Report of the Inspector General of Prisons, N. W. P. for 1854, vide *Calcutta Review*, Vol. XXVII No. 53, September-1856.

<sup>70</sup>*Ibid.*

from the Karmanasa river ( the boundary between the North-Western Provinces and Bihar ) to Delhi "at no cost whatever to the State."<sup>71</sup> Robertson, however, suggested that only less heinous offenders should be employed in road-making outside the jails, while the heinous offenders could carry on their work within doors as before. This system of prison labour continued for a long time, and the less heinous convicts continued to construct and repair roads and other large public works outside the jails. Batches of five prisoners were placed under one barkandaz or guard, who was responsible to the Darogha. The barkandaz was paid four rupees per month as his salary, and was obviously, an easy prey to bribery. The result was that the prisoners were not kept under strict control by the barkandaz and were allowed sufficient amount of freedom. The amount of work done by the convicts was very little, as they could not be controlled and made to work properly. According to a contributor to the Calcutta Review for 1856, there seems to have been an understanding between the convicts and the barkandaz.<sup>72</sup> Thornhill, the Inspector-General of Prisons, of the province calculated that the earnings of a convict labour could be valued at nine pies per day only, while the produce of the free labourer was valued at from two to three annas per day.<sup>73</sup> This, he said, was the real reason for the convicts not run-

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<sup>71</sup>Minute of Robertson on the North-Western Provinces, January 3, 1843, vide Home, Public Proceedings, No. 5 of March 8, 1843.

<sup>72</sup>Calcutta Review, Vol. XXVII, No. 53, September 1856.

<sup>73</sup>Report of Thornhill, Inspector-General of Prisons for 1854.

ning away despite the laxity in vigilance on the part of the guards.

Thornhill introduced a valuable reform in the jail administration of the province. He was in favour of punishing the thieves, robbers and other bad characters in the prison and thus setting an example for others. At the same time, he was in favour of reforming the convicts and training them for the life after they were released and sent out to the society after completing their term of imprisonment, and suggested methods for the same. According to his scheme, the long-term prisoners imprisoned for more than six months were required to learn some useful manufacture or handicraft, so that the knowledge gained in the prison might be helpful to them later on when they were no longer prisoners. "A graduated scale of punishment was drawn up by Dr. Walker, the Superintendent of the Agra Central Jail, and the work in the jails ranged from oil-pressing and corn-grinding to very easy things."<sup>4</sup> Strict punctuality and regularity were observed in the daily routine of work in the jails and in the daily life of the prisoners. Thus a reformative scheme was introduced in the prison administration of the province. If a convict wanted to improve his lot, he could learn a trade and utilize the knowledge after his release from the jail and settle down to peaceful and productive life.

The scheme of Thornhill was far cheaper than the earlier system prevailing in the province. Formerly

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<sup>4</sup>Report of Thornhill, Inspector-General of Prisons for 1854.

every five convict labourers required one barkandaz to look after them while they were on out-door work. Now that the work was done within doors, according to Thornhill's scheme, the number of guards required was diminished by half—one guard to look after and control ten convict labourers in the jail. An attempt was made to make the barkandaz less prone to accept bribes by raising his pay. But as the pay was not doubled, while their number was halved, the Government made a net saving of one-fourth of the sum spent on the guards.<sup>75</sup>

The prisoners in the jails were well-looked after. When some cases of disease and death occurred in the jails in 1838, the Government expressed concern over the matter and decided to introduce some remedial measures.<sup>76</sup> The Government was so very careful about the health and comfort of the prisoners that this over-attention paid to the criminal population of the province was dubbed by Robertson as a defect in the jail administration of the North-Western Provinces. "... the great leading defect of our jail system", he said, "has ever been and still is the rendering our prisons . . . places of too easy confinement."<sup>77</sup> According to him, the easy life in the prisons and the "excessive anxiety" on the part of the Government

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<sup>75</sup>Report of Thornhill, Inspector-General of Prisons, for 1854.

<sup>76</sup>Maddock to Hamilton, No. 28 on March 2, 1840, vide Home, Judicial Proceedings, No. 9 of March 2, 1840.

<sup>77</sup>Robertson's Minute on Prisons, December 12, 1840, vide Home, Judicial Proceedings, No. 7 of January 11, 1841.

"about the health and comfort of the prisoners were mainly responsible for the great increase in the number of jail-going population of the province. In July 1829 there were 10,746 prisoners in the whole province, while by July 1839 their number had swelled to 23,287. The Lieutenant-Governor compared the life of a dishonest and criminal prisoner in the Government jail with that of an honest, hardworking peasant in his poor mud house: "The one shivering under a sheet, the other provided with a blanket; the one with a precarious, the other with a certain, supply of food; the one left in sickness to the skill of the village practitioner, the other tended by an European gentleman of humanity and science; the one labouring hard throughout a long day, the other in most instances working scarcely enough to keep himself in health by the exercise obtained."<sup>78</sup>

Every prisoner in the jails of the Upper Provinces used to receive a monetary subsistence allowance while he was there. Out of this sum he could purchase his requirements according to his choice from a fixed number of available edibles. This system required the Government to maintain shops within the jail buildings, to stock different commodities of daily requirements and to make some arrangement for their sale, etc. Moreover, it gave rise to a lot of corruption and bribery in the jail administration, specially among the low-paid staff. Naturally all this created confusion and trouble. Therefore, it was considered desirable

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<sup>78</sup>Robertson's Minute on Prisons, December 12, 1840, vide Home, Judicial Proceedings, No. 7 of January 11, 1841.

to substitute money allowance with food ration in every jail of the province as far as it was possible. When the opinion of the Commissioners from the various Divisions was invited on the subject, all but that of Saugor recommended the ration system in preference to the money payments to prisoners.<sup>79</sup> Lord Auckland, then in the North-Western Provinces, issued orders to this effect on December 11, 1838, and from the beginning of 1839 almost all the jails in the province had adopted the practice of supplying food rations to the prisoners in place of paying them cash maintenance allowance.<sup>80</sup> A ration of one seer of wheat *ata*<sup>81</sup> and  $1\frac{1}{2}$  seers of fire-wood was fixed for each prisoner in the District Jails. The prisoners were also allowed to purchase condiments and spices at market rates at a jail shop. Besides, they were given one pice per week for shaving and washing.<sup>82</sup> The ration system was an attempt and an experiment to put an end to the bribery and corruption among the low paid jail employees. The prisoners, however, did not like it in the beginning, but got used to it after some time.<sup>83</sup> A further change in this system was effected in 1841 when the daily ration was reduced to twelve chhataks per day—ten chhataks wheat flour and two chhataks

<sup>79</sup>Judicial (Criminal) Report for the 4th. Quarter of 1838, vide Home, Miscellaneous Records, No. 2 of March 27, 1839.

<sup>80</sup>Minute of Auckland dated February 4, 1840, vide Home, Public Proceedings, No. 2 of March 11, 1840.

<sup>81</sup>A seer was of 80 sicca-weight.

<sup>82</sup>Judicial Report for the 4th. Quarter of 1838, vide Home, Miscellaneous Records, No. 2 of March 27, 1839.

<sup>83</sup>Home, Miscellaneous Records, No. 8 of December 9, 1840.

*dal* ( pulses ), the latter to be replaced with vegetable or rice every second or third day in equal quantity. It introduced some change in the daily food of the prisoners. Besides these, some salt, red and black pepper and sometimes a little of *ghee* were also given to them. However, all food was uncooked and the prisoner was expected to cook it for himself. Cooked food was not provided those days in the jails due to the differences of caste among the prisoners.<sup>84</sup> All this meant a huge burden to the Government. In 1845, for instance, according to W. H. Woodcock's Report on the Police and Prison administration, in the forty jails in the North-Western Provinces food rations were supplied to 72,18,367 prisoners at the total cost of Rs. 3,62,391, thus making the average annual cost of meals per prisoner at Rs. 18-15-7. The highest cost of food was reported from the Delhi area, at Rs. 32-1-9 per head per year, while the lowest was at Budaun at Rs. 13-9-9½ per head per year.<sup>85</sup>

Uniform type of clothing of one pattern and design was provided to all prisoners in the North-Western Provinces from 1843 onwards.<sup>86</sup>

The total cost of clothing and bedding of the 72,18,367 prisoners in the province in 1845 was Rs. 43,257-8-6, making an average of Rs. 2-10-5 per prisoner provided with these amenities. The highest cost of clothes and bedding was reported from Dehra-

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<sup>84</sup>Home, Miscellaneous Records, No. 6 of August 3, 1841.

<sup>85</sup>Woodcock's Report of May 18, 1846, vide Home, Judicial Proceedings, No. 4 of July 11, 1846.

<sup>86</sup>Home, Miscellaneous Records No. 5 of July 10, 1843.

Dun, at Rs. 5-14-11 per head, and the lowest was Re. 0-13-6 per head at Ajmer.<sup>87</sup>

The use of tobacco by prisoners in the jails was totally prohibited in 1832 and it was enforced almost without any change or bad effect on the health of the convicts. Only in a few cases was tobacco allowed to some prisoners for a temporary period, and that, too, on medical advice. Tobacco was a luxury and its denial did not produce any injurious effect on the health of the prisoners.<sup>88</sup>

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<sup>87</sup>Woodcock's Report dated May 18, 1846, vide Home, Judicial Proceedings, No. 4 of July 11, 1846.

<sup>88</sup>Home, Public (Judicial) Proceedings, No. 7 of April 8, 1859.



## CHAPTER IX

### PUBLIC WELFARE ACTIVITIES

#### INTRODUCTION

In the early days of its rule, the East India Company did not interest itself in much beyond keeping peace and order in its territories and collecting the land revenue and other taxes. It must, however, be admitted that keeping order was in itself a great boon to the people in those troubled days of insecurity and perpetual danger from plunderers and robbers. The attitude of the Government changed slowly in the second quarter of the nineteenth century. The change was due firstly to the Company's more firm hold on the Indian soil, and secondly to the benevolent influence of far-sighted administrators and statesmen like Lord William Bentinck and Lord Dalhousie. The Company soon realized that it was not only the master of the Government of India but was also the greatest landlord of the country, and, as such, it stood to gain if it provided facilities for the agricultural development and the improvement of the country. Therefore, the Government came to open canals, sink wells and dig tanks, construct and maintain roads and bridges, lay rails and undertake many other public welfare activities. In course of time, its functions increased greatly; the Government came to control and own large commercial undertakings like irrigation works, salt and opium monopolies, water-supply,

railways and telegraphs and forests. The Government of the North-Western Provinces had its due share—rather more—in these public welfare activities of the Supreme Government. The administrators of this province who were greatly interested in the welfare of the people were Sir Charles Metcalfe, T. C. Robertson and James Thomason. They decided to start famine relief activities and to construct canals and roads; they provided medical facilities to the sick, introduced a cheap postal system and laid railway and telegraph lines for quick communication. All these helped the people tremendously and their life became more secure and comfortable than what it was a quarter of a century before.

#### FAMINE RELIEF

Agriculture in our country depends mainly upon rainfall in a particular period of the year, and so does the economic life of the people. Whenever the rains do not come at the proper time or are scanty, famine is sure to visit the country. Though the North-Western Provinces formed an important part of the Indo-Gangetic plains, it was not immune from this inexorable law. Famines visited the Mughal province of Agra many a time. In the second year of the Company's rule, the Upper Provinces witnessed the famine of 1803-4 on account of the failure of the monsoon in 1803.<sup>1</sup> In this famine the Government made remissions of land revenue to the extent of about rupees three lakhs, besides the advances made to the

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<sup>1</sup>Report of the Indian Famine Commission, (1880), p. 15.

cultivators and bounties given for the import of food-grains into the province.<sup>2</sup> Famine visited the province again in 1812-13. This time only a part of the province—the area west of the Yamuna—was affected.<sup>3</sup> The effects of the bad crops of 1825, too, were severely felt by the people of the Upper Provinces and there was a great scarcity of the food-grains. Statistics of death, however, were not maintained and nothing can be said of the mortality figure during the period of this scarcity.<sup>4</sup> These early famines were due mainly to the excessive land revenue demand made by the Government as a result of the farming system and new surveys and settlements, and secondarily to the failure of the rains.

The greatest famine that visited the North-Western Provinces before 1860 was that of 1837-38. It enveloped a vast area of land and prevailed in a severe form almost throughout the south-western parts of the province. Rains were unusually late and scanty in the year 1837 with the result that an absolute drought followed throughout the year. Not only did the *kharif* crop fail entirely, but the grass and fodder were also lost.<sup>5</sup> Famine conditions continued in 1838 also and misery and distress spread all over the province. Prices of food-grains shot up and harrow-

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<sup>2</sup>Crooke: North-Western Provinces of India, p. 170.

<sup>3</sup>Report of the Indian Famine Commission, (1880), p. 18; Cambridge History of India, Volume VI, p. 85.

<sup>4</sup>Report of the Indian Famine Commission, p. 19.

<sup>5</sup>Auckland to Court of Directors, dated February 13, 1838, vide Home, Miscellaneous Records, No. 1 of 1838.

ing scenes of poverty, scarcity and death were witnessed all round. The area affected most was that between Allahabad and Delhi, especially the districts from Kanpur to Farrukhabad, Kalpi, Etawa, Agra, Mathura and Mainpuri. The eastern parts of the North-Western Provinces and the Rohilkhand Division, however, suffered comparatively less. Emily Eden, the sister of the Governor-General (Auckland), recorded in her diary: "you cannot conceive the horrible sights we see, particularly children, perfect skeletons in many cases, their bones through their skin, without a rag of clothing, and utterly unlike human creatures. The sight is much too shocking. The women look as if they had been buried, their skulls look so dreadful."<sup>6</sup> ".....Society was entirely disorganized and horrors of every kind pervaded the land."<sup>7</sup> A contemporary monthly periodical gives an eye-witness account of "the harrowing scenes which every where present themselves to a traveller between Kanpur, Fatchgarh and Agra..... Where no tributary stream offers its bosom to receive the dead, the bare ground of the villages forms the cemetery; and the number who have fallen victims to starvation may be known by the skeletons which everywhere are visible."<sup>8</sup> According to an estimate of Colonel Baird-Smith, 8,00,000 souls were reported dead. Crooke, however, felt these figures to be

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<sup>6</sup>Emily Eden: *Up the Country*, edited by Edward Thompson, p. 65.

<sup>7</sup>Atkinson: *North-Western Provinces Gazetteer*, Vol. VIII, p. 53.

<sup>8</sup>*Calcutta Christian Observer*, March 1838. p. 180.

"much below the mark."<sup>9</sup> A great mortality was reported among the cattle also, who died from the scarcity of fodder. In the Mathura district, for instance, village thatches were pulled down to feed the starving cattle.<sup>10</sup> Prices of food-grains rose to three times their normal. Wheat sold at Agra at  $13\frac{1}{2}$  seers a rupee, while in Khandesh one rupee would fetch 61 seers.<sup>11</sup>

Agra, the capital of the province, was the principal resort of the famishing population.<sup>12</sup> The mortality rate in and around Agra was, consequently, very high. In April 1838 the average number of deaths per day was 173, and by May 1838 the number of person losing their lives from sickness alone rose to 227.<sup>13</sup> Cholera raged fiercely; fever was common and dysenteric diseases in most cases proved fatal.<sup>14</sup> Dr. R. B. Duncan reported in March 1838 that he came across cases of "the sufferers being picked up in the roads and ravines about the station (Agra town) by the people employed for the purpose and brought to the Hospital often in an insensible and expiring state, dying, in many instances, without recovering even the power of speech."<sup>15</sup> The problem, as Baird-Smith

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<sup>9</sup>Crooke: North-Western Provinces of India, p. 171.

<sup>10</sup>Auckland to Court of Directors on February 13, 1838, vide Home, Miscellaneous Records, No. 1 of 1838; Crooke: North-Western Provinces, p. 171.

<sup>11</sup>Gadgil: Industrial Evolution of India in Recent Times, p. 5.

<sup>12</sup>Report of the Agra Relief Society, p. 3.

<sup>13</sup>Ibid, p. 15.

<sup>14</sup>Ibid, p. 16.

<sup>15</sup>Dr. Duncan's Report of March 5, 1838, vide Appendix B to Report of the Agra Relief Society, p. 9.

put it, was "not so much how to get food, as how to get the starving people to the food or the food to them in the cheapest and the most expeditious way possible."<sup>16</sup>

The suffering and death all round, specially in the Agra Division, moved the Government also and it made definite efforts to relieve the distress of the people. This was for the first time that the Government recognized its responsibility for the relief of its famine-stricken subjects. The year 1837-38, therefore, proved to be the year of the beginning of the famine policy of the Government of India and also that of the North-Western Provinces. During this famine the Government's action, however, was only half-way in as much as it decided to give relief to the able-bodied sufferers only, while the invalids and the disabled and orphans were left to public charity.<sup>17</sup>

When the reports about the failure of the *kharif* crops were confirmed, the Commissioner of the Agra Division recommended to the provincial Government the proposal of C. G. Mansel, Collector of Agra, for the remission of land revenue for the *fasli* year 1243. The immensity of the calamity was known to all and hence the Sadr Board of Revenue immediately approved the recommendation.<sup>18</sup> The Government of India

<sup>16</sup>Baird-Smith, vide Gadgil: Industrial Evolution of India in Recent Times, p. 21.

<sup>17</sup>Report of Indian Famine Commission, p. 31; Administrative Report of the United Provinces 1911-12, p. 22.

<sup>18</sup>Hamilton to Board of Revenue, No. 158 dated May 29, 1838, and approval of the Board dated June 22, 1838, vide Board of Revenue Proceedings, No. 49-51 of June 22, 1838.

seems to have been really serious to alleviate the distress of the people. Lord Auckland personally took over the administration of the North-Western Provinces on January 1, 1838, and assumed charge of the famine relief operations. The efforts of the Government were directed in three directions.<sup>19</sup> Firstly, on the recommendation of the Sadr Board of Revenue, the Government entirely suspended the first *kist* or instalment of land revenue and made the two next instalments very light, throwing the weight of the collections on the quarterly *kist*.<sup>20</sup> Thus a large amount of land revenue was exempted, while another lump sum remained uncollected. Auckland recorded in a Minute that he "authorized the writing off the account of balances caused by the famine and ascertained to be irrecoverable, to the amount of 48,71, 134 rupees of which Rs. 43,19,094 are remissions of the demand for 1245 *fasli* and Rs. 5,52,062 of that for *fasli* year 1246."<sup>21</sup> In short, about half of the land revenue of the affected area was remitted.<sup>22</sup> At the same time *taccavi* advances for seed-grains were also largely given to the cultivators. Secondly, the Government made provisions for the employment of the able-bodied destitutes on works of public utility. Sir Charles Metcalfe, the Lieutenant-Governor, started some public works in order to provide employment to

<sup>19</sup>Note of Thomason on Famine Relief, vide Home, Public Proceedings, No. 4 of January 24, 1838.

<sup>20</sup>Ibid.

<sup>21</sup>Minute of Auckland, vide Home, Public Proceedings, No. 2 of March 11, 1840.

<sup>22</sup>Crooke: North-Western Provinces of India, p. 171.

many sufferers.<sup>23</sup> In the beginning the volume of public works was restricted, but as the distress increased, the Magistrates of the badly affected districts were empowered to grant employment to any number of destitutes and to any amount of work. They were advised to care more for the relief given and the number of people supported by public works than for any expectation of a profitable return for the capital invested on them.<sup>24</sup> About 17,68,902 rupees were spent on relief of this nature, bringing the total contribution of the Government to Rs. 66,40,056-2-6. Lord Auckland was of the opinion that "the actual cost of this calamity to the finances of the State will be certainly not short of one crore of rupees, and may probably even exceed that sum."<sup>25</sup> Thirdly, the Government made it a point to preserve the peace and to protect trade in food-grains and other edibles in the days of scarcity. Stocks of food-grains hoarded by the village and city capitalists, the loads of grains being carried by *banjaras* and boats laden with grains were in danger of being plundered by the starving masses. Bands of plunderers were formed by these desperate people, and they began to disturb the peace of the province. As soon as occurrences of this nature came to light, the Government authorized the Commissioners to strengthen the police sufficiently and to punish the plunderers and maintain public peace.<sup>26</sup> The result was that the jails were filled up with such

<sup>23</sup>Home, Public Proceedings, No. 2 of March 11, 1838.

<sup>24</sup>Home, Public Proceedings, No. 4 of January 24, 1838.

<sup>25</sup>Home, Public Proceedings, No. 2 of March 11, 1838.

<sup>26</sup>Home, Public Proceedings, No. 4 of January 24, 1838.



criminals. For instance, the jails in Rohilkhand became full of convicts.<sup>27</sup> Aligarh and Farrukhabad districts also suffered from outbursts of starving people who took to plunder and dacoity.<sup>28</sup>

The misery of the famine was relieved to a considerable extent by public charity and the private efforts of humanitarians. The role of the Agra Relief Society, a voluntary organization for famine relief started at Agra, was memorable. "The benevolence of all classes throughout India poured in subscriptions"<sup>29</sup> and many sub-committees were formed to make use of the money to the best advantage. A charity hospital was established at Agra by Sir Charles Metcalfe, the Lieutenant-Governor, from his own purse. The hospital was located at Nai-ki-Mandi, and Civil Surgeon Duncan, its in charge, was assisted by Dr. Ganeshi Lal.<sup>30</sup> In this hospital, which depended mainly on charity, medicine and attention were given free and the indoor patients were given "sooji, sago, milk and every other necessary nutrient."<sup>31</sup> The five wards of the hospital accommodated in May 1838 as many as 1,300 sick and 400 lame and blind.<sup>32</sup> The Society also maintained an asylum, which was shifted from Nai-ki-Mandi to Bluntsganj in April 1838. The Poor House Department attached to the Asylum distributed food

<sup>27</sup>Auckland to Court of Directors on February 13, 1838, vide Home, Miscellaneous Records, No. 1 of 1838.

<sup>28</sup>Ibid.

<sup>29</sup>Report of the Agra Relief Society, pp. 3-4.

<sup>30</sup>Report of the Agra Relief Society, p. 12.

<sup>31</sup>Ibid. p. 10.

<sup>32</sup>Ibid.

to the needy—"to an adult one cake (bread) weighing a quarter of a seer, to a child half a cake." Those who did not receive bread were given money—four pice per adult, five pice per woman with child at breast and one pice per child.<sup>33</sup> The Society rendered great service to the famine-stricken people and elicited praise from Lord Auckland.<sup>34</sup>

But the relief organized by the Government and private enterprise was not adequate to mitigate the sufferings of the people. It was reported by the Board of Revenue in their Report for 1841-42 that the arrears of land revenue were increasing annually in the Mathura and Farrukhabad districts. The famine, combined with "a succession of bad seasons has prevented it (Mathura) from feeling the beneficial effects which might have been expected from a moderate settlement."<sup>35</sup>

The Allahabad Division and the Kanpur and Fatehpur districts were equally badly hit. "The drought was grievously felt in the former (Kanpur) district, and the central and western parganas . . . are still (in 1841-42) experiencing its blighting effects," while the Fatehpur district was suffering from the over-assessment made by D. Timins.<sup>36</sup> The calamity was so enormous that even in the Revenue Adminis-

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<sup>33</sup>Report of the Agra Relief Society, p. 9.

<sup>34</sup>Home, Public Proceedings, No. 2 of March 11, 1840.

<sup>35</sup>H. M. Elliot to N. W. P. Govt. No. 129 dated March 24, 1843, vide Board of Revenue Proceedings, No. 37 of March 24, 1843.

<sup>36</sup>H. M. Elliot to N. W. P. Govt., vide Board of Revenue Proceedings, No. 37 of March 24, 1843.

tration Report for 1842-43, the Commissioner of the Agra Division stated that "Further relief, however, to some considerable extent is still needed by many Agra mahals," that cultivators in the Mainpuri district were not ready to enter into engagement with the Government for tilling lands at high assessments and that further remission of revenue to the tune of about Rs. 24,000 must be made in the Mathura district.<sup>37</sup> It took a long time, therefore, for the people to forget the famous *chauranve* the famine of 1894 Vikrami Samvat. Another reason for the long remembrance of 'chauranve' seems to be the fact that famine did not re-visit the North-Western Provinces before 1860 when again the areas around Agra and Delhi were severely affected.

### CANALS AND IRRIGATION

Irrigation is the soul of agriculture in the North-Western Provinces. The prosperity of the cultivator is not possible without irrigation.<sup>38</sup> The value of irrigation can be guessed from the nineteenth century observation that "it doubles the rent"<sup>39</sup> of the land, and, therefore, is useful both to the cultivator and the State and improves the economic position of both.

Cultivated land can be irrigated by three means—

<sup>37</sup>Davidson to Board of Revenue, No. 260 dated August 31, 1843, vide Board of Revenue Proceedings, No. 31 of September 20, 1844.

<sup>38</sup>W. W. Bird in House of Commons on June 2, 1853, vide Commons, Report from Committee, 1852-53, Vol. XXVIII, Question No. 5619.

<sup>39</sup>Notes on the North-Western Provinces of India by 'A District Officer,' p. 68.

well, tank and canal. In the Rohilkhand and tarai area of the province water is very near the surface of the earth and can be easily lifted in a bucket. In the Doab the depth of water is considerable, rising from fifteen feet below the surface to upwards, though the average is somewhere between twenty and twenty-five feet. Wells are very deep in Bundelkhand—in the Banda district water is found about sixty feet below the surface. Naturally, well-irrigation is not possible in such cases. Tank irrigation, too, is not popular in the province. Flowing water is the usual means of irrigation in the major portion of the North-Western Provinces. Such water may be had from streams, rivers and canals. Brindley's famous words "God meant rivers to feed the canals" and the famine of 1837-38 were greatly responsible for turning the attention of the Government of the East India Company to the canals of the Sultanate and Mughal periods of Indian history.

*(a) The Western Yamuna Canal*

In the early years of the acquisition of the Ceded and Conquered Districts, Mr. Mercer surveyed the route of the old and forgotten canals of Firoz Tughluq on the western side of the Yamuna and invited the attention of the Government to the reopening of the Delhi canals, but the Government did not approve of his scheme.<sup>40</sup> In 1810 a Committee of Survey was appointed during the Governor-Generalship of Lord Minto to enquire into the condition of the old canals

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<sup>40</sup>Calcutta Review, Vol. XII, July 1849; Kaye: Administration of the East India Company, p. 278.

both east and west of the Yamuna. The Chief Engineer and the Surveyor-General, however, were so much divided in their opinion that the real object of the Committee was lost under the weight of their controversy and the project was abandoned.<sup>41</sup>

Lord Hastings was more practical than Minto. He toured the Upper Provinces in 1813 and saw traces of the old canal, including a fine stone bridge near Karnal. He wrote his famous Minute of September 21, 1813, on the restoration of the Yamuna Canals. "I will only say", he wrote, "that my own inspection has fully convinced me of the facility and the policy of immediately restoring this noble work" (canal of Firoz Tughluq restored by Ali Mardan Khan). He felt sure that the project would yield a lucrative revenue to the Company.<sup>42</sup> The work was sanctioned by the Court of Directors and a survey was started by Lieutenant Blaine in 1817. Blaine's work could not go far due to the undue economy effected by the Government. However, he succeeded in this project partially and water was brought to Delhi on May 30, 1820. Blaine was succeeded by Captain Tickle in 1821. Colonel John Colvin succeeded Tickle as the General Superintendent of Irrigation in Delhi in 1823 and the work proceeded at a quick speed under his supervision. The success of the canal works was, in a great measure, due to his exertions.<sup>43</sup> Completed in 1827, the Western

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<sup>41</sup>Calcutta Review, Vol. XII, July 1849; Kaye: Administration of the East India Company, p. 278.

<sup>42</sup>The Journal of Lord Hastings, Vol. I, pp. 282-84.

<sup>43</sup>Calcutta Review, Vol. XII, No. 23, July 1849., p. 87.

Yamuna Canal was 425 miles in length from the hills to Delhi and to Hisar; it spanned 139 bridges of masonry, fifty-four of woodwork, and one suspension bridge, while there were about seven hundred irrigation outlets from the main channel. The Canal had the following eight water courses—Main canal, Delhi branch, Bulla branch, Hansi branch, Bahadera branch, Durha branch, Rohtak branch and Butana branch.<sup>44</sup>

The result of the opening of the Western Yamuna Canal was very encouraging—in 1807 the Hisar district was barren and very sparsely populated, but with the coming of the Canal it became a prosperous area inhabited by "an active, contented and prosperous peasantry".<sup>45</sup> The Western Yamuna Canal rendered great service to the province, specially the Delhi Territory, during the famine of 1837-38. According to a contemporary writer, "the gross value of the crops saved by the water of this canal was estimated at a million and a half sterling."<sup>46</sup> The Western Yamuna Canal was an economic proposition for the Government also. From 1820 to 1846-47 the total water-rent collected from the Canal was Rs. 35,47,643; in 1820 it was Rs. 876-4-0, while by 1846-47 it had risen to Rs. 2,62,539-13-8.<sup>47</sup> Besides water-rent, the canal yielded a lot of mill-rent, cattle-watering rate, transit duties on bridges, sale of wood and trees and

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<sup>44</sup>Calcutta Review, Vol. XII, No. 23, July 1849, p. 87.

<sup>45</sup>Calcutta Review, Vol. VI, Article on 'Canals of Irrigation in the North-Western Provinces.

<sup>46</sup>Kaye : *op. cit.*, p. 282; R. C. Dutt : *Economic History of India in the Victorian Age*, p. 167.

<sup>47</sup>Calcutta Review, Vol. XII, p. 93.

finer realized for the breach of rules. All these yielded a considerable sum of money. In the beginning, however, the Canal budget was a deficit one; but it became a rising surplus budget from 1839-40.<sup>48</sup> The result was that "You may ride for miles and see nothing but the most splendid cultivation."

The Western Yamuna Canal and the renovation of Firoz Tughluq's water works constituted "the greatest boon" of the British Government to the people of India in that age. The canal was "both useful and ornamental."<sup>49</sup>

(b) *The Eastern Yamuna Canal*

The Eastern Yamuna Canal was a smaller project than the Western Yamuna Canal. It had its course between the Ganga and the Yamuna, i. e., it irrigated the land in the Doab. It was constructed by Zabita Khan, son of Najib-ud-Daulah Rohila and was left neglected from that time. The Board of Commissioners reported on October 7, 1809, that, if restored, the Eastern Yamuna Canal would be a very profitable concern.<sup>50</sup> Captain Tod, appointed to survey the course of the canal and its potentialities, reported that the cost involved in restoration would be about rupees two lakhs. The Government, however, dropped the project there. In

<sup>48</sup>Calcutta Review, Vol. XII, p. 99. Also see Selected Delhi Reports, Report on the Sonapat District (1836) by John Lawrence for other details of improvement.

<sup>49</sup>Charles J. French: Journal of a Tour in Upper Hindustan, pp. 183-84.

<sup>50</sup>Report of the Board of Commissioners, vide Minute of Lord Moira, dated September 21, 1815.

1822 the line was again surveyed and the work of restoration started by Lieutenant de Bude.<sup>51</sup> He was succeeded by Colonel Robert Smith under whose supervision the work was completed in 1829, and the Canal opened for irrigation on January 3, 1830.<sup>52</sup> But, as early as January 20, 1830, it was found that there were many serious defects in the Canal and that every bridge north of Saharanpur was in danger of a collapse as the very foundations and the masonry work of the bridges were exposed to a constant flow of water.<sup>53</sup> Moreover, no idea of the depth and slope was kept in the construction of the canal. It occupied the high level between the Yamuna and the Hindan and avoided the Khadar or valley of the rivers. Naturally, water would not flow in required directions.

Captain Cautley was appointed to remove the defects, but before the work could be completed he was, in 1843, promoted to the post of the Chief Superintendent of Canals in the province. Lieutenant Baird-Smith, who succeeded him, completed the repairs and construction of the Canal and effected many changes, including the improvement in its slope. The Canal, divided into three divisions—northern, central and southern,—now covered 155 miles. A contemporary writer gives a graphic description of the canal: "Most beautiful in all parts it truly is with its broad road smooth as an English lawn, its double rows of

<sup>51</sup>Calcutta Review, Vol. XII, p. 86.

<sup>52</sup>Colvin: Restoration of Ancient Canals in Delhi Territory; Journal of the Asiatic Society of Bengal, Vol. II, pp. 105-128.

<sup>53</sup>Calcutta Review, Vol. XII, p. 86.



trees drooping over the stream, its long graceful sweeps, its rich bordering of the most luxuriant crops, its neat station-houses, and the peculiar care with which all its works are maintained. It is certainly one of the most interesting and attractive of Indian sights. The gem of the whole is the southern division, where, for nearly sixty miles, the visitor passes through a country which is the garden of the North-Western Provinces, and finds constant cause to admire the beautiful, although limited, scenes, which every turn of the Canal brings before him".<sup>54</sup>

During the famine of 1837-38 the value of crops grown on irrigated area, "the greater part of which would have been totally unproductive but for the canal water", was estimated at about half a million sterling.<sup>55</sup> From 1830-31 to 1846-47 the total water-rent collected from the water supply of the Canal was Rs. 10, 95, 166.<sup>56</sup>

### (c) *The Ganges Canal*

The Ganges Canal is a purely English contribution to the canal works of the province. In 1836 Colonel John Colvin was appointed to report on the project. During the famine of 1837-38 Lord Auckland realizing the utility of canals sanctioned the survey of the land between Haridwar and Roorkee.

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<sup>54</sup>Calcutta Review, Vol. VI, article 'Canals of Irrigation in the North-Western Provinces'.

<sup>55</sup>Kaye: Administration of the East India Company, p. 286.

<sup>56</sup>Calcutta Review, Vol. XII, p. 114.

Major Proby Cautley was asked to perform this duty. His report,<sup>57</sup> dated May 12, 1840, was favourably received by Lieutenant-Governor Robertson and also by the Government of India on whose recommendation the Court of Directors sanctioned the project on September 1, 1841. The scheme was expected to cost above one million sterling.<sup>58</sup> No sooner did Major Cautley start the work, than Lord Ellenborough, Auckland's successor, ordered the suspension of all existing projects due to financial and military considerations (April 20, 1842). He even decided to change the very nature of the proposed canal, that is, instead of irrigation he directed to make it for navigation, which, according to him, was to be the primary aim of the project. When the Government of the North-Western Provinces urged that the closing of the canal construction operations would mean a considerable financial and moral loss to the Government, he allowed to continue the work, but provided for it only rupees two lakhs a year—a sum too small for such a gigantic project as the Ganges Canal. Nothing more could be done up to 1844 despite representations from the provincial Government. James Thomason took over as Lieutenant-Governor in 1843 and on February 10, 1844, he remonstrated "against this most uneconomical extravagant misuse of the Director's (Cautley's) time and talents".<sup>59</sup> On April

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<sup>57</sup>Calcutta Review, Vol. XII, p. 114.

<sup>58</sup>Calcutta Review, Vol. XXI, article on James Thomason, p. 498.

<sup>59</sup>Calcutta Review, Vol. XXI, p. 499.

11, 1844, he pleaded for a bigger grant with the result that Ellenborough sanctioned rupees one lakh more, thus raising the sum to be spent on the Canal to rupees three lakhs per year.<sup>60</sup>

Lord Hardinge visited the Canal under construction at the Solani aqueduct in March 1847, and was not only convinced of the advocacy of the Lieutenant-Governor but also of the desirability of the Canal being opened primarily for irrigation and only secondarily for navigation. He declared that he was ready to authorize an expenditure even of rupees twenty lakhs a year, a sum which had been suggested by Major Baker, the officiating Director of Canals; Lord Hardinge expressed his willingness to sanction "as large a sum for future years as the Director could spend with a due regard to economy."<sup>61</sup>

Encouraged by the success of the two Yamuna Canals, the Court of Directors decided to patronize the Ganges Canal project. In 1850 they sanctioned one million and a half sterling for the completion of the project, and in June 1852 the revised sum sanctioned by them amounted to Rs. 1,55,48,100<sup>62</sup>—a sum which could never have been sanctioned had the Yamuna Canals not proved profitable. The work was completed by Colonel Baird-Smith, during the Lieutenant Governorship of John Russell Colvin.

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<sup>60</sup>Calcutta Review, Vol. XXI, article on Thomasons, p. 500.

<sup>61</sup>Hardinge's Minute of April 20, 1847, vide Calcutta Review, Vol. XXI, p. 501.

<sup>62</sup>Calcutta Review, Vol. XXI, p. 501 f. n.

The main line of the Canal was opened for irrigation on April 8, 1854, by Colvin in the absence of Lord Dalhousie.<sup>63</sup> The Lieutenant-Governor of the North-Western Provinces described it as follows: "Extending over 525 miles in length, measuring in its greatest depth ten feet, and in its extreme breadth 170 feet, the main irrigation line of the Ganges Canal is justly described 'as a work which stands unequalled in its class and character among the efforts of civilized nations'."<sup>64</sup>

The Ganges Canal was the biggest canal of the province and also the biggest in the entire country those days. Up to the end of April 1856 the expenditure on the Canal had reached the vast sum of £15,60,000. The work was impeded by the Great Rebellion of 1857-58, but after the change-over, it was resumed and carried to its completion. The full supply of water, however, was available in the province only after the famine of 1860-61.<sup>65</sup> Starting from 2½ miles north of Haridwar, the Canal proceeded its circular course to the south-east of Aligarh—180 miles. At Aligarh the Canal bifurcated, one going towards Kanpur—170 miles, and the other towards Hamirpur—180 miles. From Haridwar to Aligarh, three branch lines took water: to Fatehgarh—170 miles; to Bulandshahr—60 miles; and to Koel—50

<sup>63</sup>Auckland Colvin : John Russell Colvin, p. 167.

<sup>64</sup>Private Letters of the Marquess of Dalhousie, edited by J. G. A. Baird, Appendix C; See also Dalhousie's Minute of February 28, 1856, vide R. Muir : *The Making of British India*, p. 371.

<sup>65</sup>Cambridge History of India, Vol. VI, p. 85.

miles, thus making a total of 810 miles for the whole Canal. Including the distributaries and branches its total length, however, was 3,800 miles.<sup>66</sup>

Besides the above famous canal works, were constructed the Nagina Canal in the Bijnor district and the Dehra Dun Canal.<sup>67</sup>

### THE POST OFFICE

Until the creation of the Agra Presidency in 1834 the whole of the Bengal Presidency had one Post-Master General with his headquarters at Calcutta. At that time I.E. Elliot was the incumbent of this office. After the creation of the fourth Presidency and the consequent rush of work, it was felt necessary to appoint a separate senior responsible official for the Upper Provinces. Therefore, on December 10, 1834, Post-Master General Elliot requested the Government of India to sanction a post of Deputy Post-Master General at Allahabad. He was against the separation of the Post Office department for the two Presidencies and hence suggested the above measure.<sup>68</sup> Mr. Blunt, the Governor of Agra, agreed with the Post-Master General of Bengal that "Public interest will be best consulted by the re-employment of Mr. Surgeon Watson in that (Deputy Post-Master General's)

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<sup>66</sup>Cambridge History of India, Vol. VI, p. 85.

<sup>67</sup>Calcutta Review, Vol. XXI, p. 496; Cautley : Notes and Memoranda on the Water Courses in the Dehra Dun.

<sup>68</sup>Elliot to Macsween, No. 1376 of December 10, 1834. vide Home, Public Proceedings, No. 15 of April 8, 1835.

situation. . . ."<sup>69</sup> Accordingly, the Governor-General sanctioned the appointment of a Dupty Post-Master General for the Agra Presidency with his headquarters at Allahabad on a salary of Rs. 250 per month plus a monthly allowance of Rs. 300.<sup>70</sup>

A change in the arrangement of the Post Office department was effected on May 10, 1835. As the result of a resolution of the Governor-General-in-Council dated April 15, 1835, it was decided to relieve the Government of India of the details of the internal administration, and to make them over to the Governments of the two presidencies. Consequently, the administrative supervision and finances of the Post Offices in the Agra Presidency were made over to the Government of that Presidency, but for the time being the whole Postal department still functioned under the control of the Post-Master General at Calcutta.<sup>71</sup> The finances of the Post Offices of the two Presidencies, however, were separated. The administrative supervision also was separated in November 1839. That year Dr. J. Ranken was appointed as Superintendent of the Post Office department and the Post-Master General of the North-Western Provinces, and relieved of his medical duties.<sup>72</sup>

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<sup>69</sup>Bushby to Torrens on March 28, 1835, vide Home, Public Proceedings, No. 14 of April 8, 1835.

<sup>70</sup>Bushby to Macsween on April 22, 1835, vide Home, Public Proceedings, No. 7 of April, 22, 1835.

<sup>71</sup>Resolution of the Governor-General, April, 15, 1835, vide Home, Public Proceedings, No. 7 of May 6, 1835.

<sup>72</sup>Resolution of the Governor-General, Vide Home, Public Proceedings, No. 9 of November 6, 1839.

There were in 1839 about fifty-five branches of the Post Office in the North-Western Provinces, important among them being Agra, Allahabad, Aligarh, Almorah, Azamgarh, Banaras, Bareilly, Banda, Bulandshahr, Delhi, Dehra Dun, Etawa, Fatehpur, Firozpur, Ghazipur, Gorakhpur, Hamirpur, Indore, Jabalpur, Kanpur, Karnal, Lucknow, Ludhiana, Mainpuri, Mathura, Meerut, Mirzapur, Moradabad, Neemuch, Nasirabad, Saharanpur, Saugor, Seprae, Shahjahanpur, and Simla.<sup>73</sup> His jurisdiction extended throughout the North-Western Provinces right upto the north-west frontier of the British empire in India till the formation of the Punjab as a separate province. A post office under the supervision of the Post-Master General of the North-Western Provinces was opened at Dera Ghazi Khan in 1851.<sup>74</sup> Another post office was opened at Murree the same year.<sup>75</sup>

In the early days of the Company's rule in the North-Western Provinces it took the mails a long time to be carried from one place to another. In March 1835, for instance, "the time occupied by mails from Bombay to Agra . . . . . was 10 days and 12 hours",<sup>76</sup> while in April 1837 the same distance was covered in

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<sup>73</sup>Atkinson : North-Western Provinces Gazetteer, Vol. VII ; Home, Public Proceedings, No. 2 of May 19, 1841. Also Public Proceedings, No. 10 of October 5, 1842.

<sup>74</sup>Elliot to Riddell, PMG of the N. W. P., No. 257 on July 29, 1850, vide Home, Public Proceedings, No. 12 of August 22, 1851.

<sup>75</sup>Home, Public Proceedings, No. 13 of August 22, 1851.

<sup>76</sup>J. Southerland to Scott on May 26, 1837, vide Home, Public Proceedings, No. 22 of June 28, 1837.

7 days and 12½ hours by using straight postal routes and by introducing the contract system for the conveyance of the mails.<sup>77</sup> In 1851 the mail took four days to travel from Calcutta to Patna.<sup>78</sup> Communication became easier when the province was intersected by a number of metalled roads, and it became very quick with the introduction of the railways.<sup>79</sup>

When the department was just started, letters and parcels were normally carried by postal runners and banhgy bearers. These people were open to every type of danger and sometimes were assaulted and plundered by dacoits. Many such cases came to the knowledge of the Government. Victor Jacquemont, the French Botanist, noted that even "a poor naked fellow running on foot, loaded with a packet of letters" could be plundered on the road, and added that three days before a "letter-carrier was attacked and robbed in broad daylight near Panipat.....".<sup>80</sup> The injured employees of the Postal department were usually granted a pension—that of three rupees per month was considered quite a good sum.<sup>81</sup> In course of time postal runners and banhgy bearers were substituted by mail carts drawn by horses. This change was first made in 1841,<sup>82</sup> and was slowly adopted in all parts of the

<sup>77</sup>J. Southerland to Scott on May 26, 1837, vide Home, Public Proceedings, No. 22 of June 28, 1837.

<sup>78</sup>Good Old Days of John Company, Vol. II, p. 89.

<sup>79</sup>See the sections on Roads and Railways of this Chapter.

<sup>80</sup>Jacquemont: Letters from India, p. 159. Letter to his father dated February 10, 1831.

<sup>81</sup>Elliot to Thornton, No. 427, on September 12, 1851, vide Home, Public Proceedings, No. 35 of September 12, 1851.

<sup>82</sup>Crooke: North-Western Provinces of India, p. 165.



province. For instance, mail carts were introduced on the road between Meerut and Khurja in the Bulandshahr district in 1845.<sup>83</sup>

The Postal department those days, unlike today, carried both posts and travellers. This mode of travel, called travelling by *dak*, is described by a contemporary traveller: "A *dak* is laid in this manner: you go to the *tapal* or post office, at the station in which you may be residing and tell the officials you wish a *dak* laid to such a place, with eight or twelve-bearers, as the case may be; the post office authorities take care that all through the route relays of bearers are in readiness every four or five miles; they tell you how much the expense of the journey is, and you pay the money to the post-office accordingly before starting. In long *daks*, as mine was, it is usual for the post office authorities to ask you to give the security of a friend resident in the station you are leaving, for demurrage, should any delay in the journey be caused by the traveller".<sup>84</sup> This costly mode of travelling could be afforded only by the rich. Simultaneously with the mail cart was introduced the *dak gari*, a new device to carry passengers on wheel carriage and thus discard travel by palanquins.<sup>85</sup> This was a cheaper and quicker mode of travel.

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<sup>83</sup>Bushby to Thornton, vide Home, Public Proceedings, No. 45 of October 18, 1845.

<sup>84</sup>Landon: Narrative of a Journey Through India, pp. 69-70.

<sup>85</sup>Crooke: North-Western Provinces of India, p. 165.

Mails were carried from one station to the other by contractors who entered into contracts with the Post Office to carry mails and passengers between any two stations at fixed charges, speed and time. For example, there was a contract with one Mr. Smith to carry mails between Meerut and Ambala in five hours for a monthly payment of two thousand rupees.<sup>66</sup> As for the salaries of the post-distributing peons or postmen, five rupees a month was considered to be a handsome pay.<sup>67</sup>

According to Atkinson's Gazetteer\* most of the official communications were conveyed from one place to the other by the 'District' mail also besides the post offices. The District mail was confined to communications from the district headquarters to the tahsil headquarters and the interior of the district only. In 1846 the facilities of the District mail were thrown open to the public also. Throughout the period of our study it was controlled by the district officials, but in 1865 it was transferred to the Post Office department.

The Court of Directors appointed in 1850 a Commission, consisting of one member from each Presidency, to enquire into the affairs of the Postal department. The report of the Commission was submitted to the Court and it was approved of by them.<sup>68</sup> Important changes were introduced in the

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<sup>66</sup>Elliot to Thornton, No. 139 of May 21, 1847, vide Home, Public Proceedings, No. 15 of June 12, 1847.

<sup>67</sup>Bushby to Allen, No. 508, vide Home, Public Proceedings, No. 36 of July 1, 1848.

\*Atkinson's Gazetteer, Volume VII.

<sup>68</sup>Dalhousie's Minute of February 28, 1856, vide Muir : The Making of British India, p. 366.

Postal department as a result of this report. Firstly, the Post Office was created a separate department of the Supreme Government and it was superintended by a Director General of Post Offices. The Government decided to open branches of the Post Office throughout India. Secondly, a uniform rate of postage was fixed for the whole country irrespective of distance and inconvenience in the conveyance of letters and parcels. Thirdly, it was decided that the charge for letters be fixed at half an anna each ( $\frac{3}{4}$  d) and for newspapers at one anna each ( $1\frac{1}{2}$  d). Fourthly, postage stamps were to be purchased and affixed to the letters, etc., and the former practice of paying for them in cash at the different post offices was to be given up. Lastly, the special privileges of posting letters without payment as also of free travelling enjoyed by officers were also restricted and very few could now benefit from them. This last measure removed a considerable amount of corruption in the department.

The immediate result of the uniform and low postal charges was that the volume of correspondence increased tremendously,—by about twenty-five per cent according to Lord Dalhousie.<sup>99</sup> The volume of letters and parcels to be conveyed by dak swelled up, mainly because after the change was effected an individual was required to pay for a letter only a sixteenth part of what he had to pay for the same only three years ago.<sup>100</sup>

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<sup>99</sup>Dalhousie's Minute of February 28, 1856, vide Muir : *The Making of British India*, p. 366.

<sup>100</sup>*Ibid*, p. 367.

One thing which surprises us is that the North-Western Provinces was the only province of British India where the Post Office showed a surplus budget; in other provinces—Bengal, Bombay and Madras—there was a deficit in the Postal budget before the Great Revolt.<sup>91</sup>

### ROADS AND HIGHWAYS

Facilities for transport and communications play a vital role in the development and progress of a country. They have been compared to the arteries of the human body. The Government in its early days did not consider it as one of its duties to look after the construction and repairs of roads and highways. Writing in 1824 Bishop Heber complained of the bad roads in the Upper Provinces: "The fact is there are no roads at all, and the tracks which we follow are often such as to require care even on horseback. By driving slowly no doubt a gig may go almost anywhere, but it is anything but an agreeable pastime to drive along tracks which, when beaten, are so poached by the feet of horses and cattle and so hardened by the sun as to resemble a frozen farm yard; while if the traveller forsakes those roads he encounters cracks deep and wide enough to break his wheels. Here and there is a tolerably level mile and two, but with a few exceptions there is no fast or pleasant driving in this part of India".<sup>92</sup> Even as late as 1840 the condition of the roads does not seem

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<sup>91</sup>Campbell : *Modern India*, p. 395.

<sup>92</sup>Bishop Heber : *Diary*, pp. 192 and 227.

to have been better, as is clear from a contemporary account.<sup>93</sup> Before the construction of the Grand Trunk Road, Delhi was about three months' ordinary journey from Calcutta, let alone Britain.<sup>94</sup>

The Government of the North-Western Provinces recognized the necessity and importance of good roads in the thirties of the nineteenth century both for the efficiency of the Government and the welfare of the people. But the construction of roads took time and required money, and, therefore, the scheme of the Government could not materialize as quickly as the Government wanted them to.

The greatest and the most stupendous project of the type was the Grand Trunk Road which connected Calcutta and Delhi and from there ran up to Lahore and Peshawar. The *kachcha* mud pathway existed since very early times, but it was not properly demarcated. The work on the Grand Trunk Road was commenced in 1836. It was proposed that the road be 1,423 miles in length,<sup>95</sup> and it was to be a metalled or macadamized road. After it was completed, it

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<sup>93</sup>Military Service and Adventures in the Far East, Vol. II, p. 20.

<sup>94</sup>Jacquemont: Letters from India, Vol. II, p. 271. John Strachey, later Lieutenant-Governor, wrote: "When, in 1844, I first went from Calcutta to the present Agra Province, I was carried about a thousand miles in a palanquin on men's shoulders, and it took some three weeks to toil through.....; there were no other means of travelling through the richest and most civilized parts of India. Speaking generally, roads and bridges had only begun to appear; railways were not thought of...." Strachey: India, Its Administration and Progress, p. 9.

<sup>95</sup>Lords, Report from Committee, 1852-53, Vol. XXXIII, Appendix C.

was, according to Kaye, as "smooth as a bowling green".<sup>66</sup> The cost of construction was estimated as one thousand pounds sterling per mile, and the annual cost of its maintenance and repairs was estimated at fifty thousand pounds sterling per year.

Another project of note was the Bombay-Agra Trunk Road, construction over which started in 1840 in the time of Lord Auckland. Its total length was to be 734 miles, and the total cost of the scheme to be £ 2,43,676 with an annual maintenance charge of £ 5,000. The cost of construction of this road together with its maintenance charges was shared by the two Governments of the Bombay and the North-Western Provinces, the latter paying much more than the former one. The mileage of the road under the jurisdiction of the two Governments was in the proportion of 11: 19 between Bombay and the North-Western Provinces.<sup>67</sup> The road was, however, unmacadamized in the pre-Revolt days.<sup>68</sup>

For the convenience of travellers within the province, the Government constructed many roads connecting various areas and crossing the whole province. One road connected Pilibhit with Agra by a line running through Bareilly and Badaun. A second road connected Mirzapur with Jabalpur, while the third connected the Doab area with the Saugor and

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<sup>66</sup>Kaye: *Administration of the East India Company*, p. 306.

<sup>67</sup>Metcalf's Minute dated September 27, 1837, vide Home, *Judicial Proceedings*, No. 10 of May 2, 1844.

<sup>68</sup>Lords, *Report from Committee, 1852-53*, Vol. XXXIII, Appendix C.

Narbada Territory via Kalinjar in the Banda district.<sup>99</sup> Besides the above-mentioned broad metalled roads, a large number of unmetalled *kankar* roads as well as *kachcha* mud roads were constructed by the Government which were utilized by the people of the province for going from one place to the other.

Towards the beginning of the second quarter of the nineteenth century, travelling in the Upper Provinces, and in fact throughout India, was difficult as well as dangerous. Danger lurked not only for the rich, but also for "a poor naked fellow running on foot, loaded with a packet of letters".<sup>100</sup> A great danger was felt by the people from the thags and dacoits who infested practically the whole of northern India.<sup>101</sup> Travellers had, therefore, to travel either in groups or be accompanied by a host of followers and servants. Robert J. Minturn, Junior, an American traveller visiting India in 1856-57, had to engage eighty-six attendants in his journey from Agra to Bombay which he made in the company of two fellow Americans and an Englishman.<sup>102</sup> In order to provide

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<sup>99</sup>Calcutta Review, Vol. XXI, article on Thomason, p. 494.

<sup>100</sup>Jacquemont : Letters from India, p. 159. Letter to his father dated February 10, 1831.

<sup>101</sup>For details see Chapter VIII—Police and Prison.

<sup>102</sup>Robert J. Minturn, Jr., in his travel-diary "From New York to Delhi" (1858) states that he and Gibson used dolis which needed 12 bearers each, while the other two Americans used palkis which had 16 bearers each; the baggage was carried by 8 porters, while 6 bearers were required for kitchen utensils and stores and four torch-bearers led the way. A cook who went with them, also had a doli with 12 bearers, thus raising the number of the caravan of servants minus the cook to 86. Then there were the four travellers and a cook—a total of 91 people moving together.

security on the highways, Lieutenant-Governor Thomason "caused the watch and ward to be strengthened all along the line of roads, police stations to be placed at frequent intervals, and caravanserais and rest-houses to be created at suitable stages".<sup>103</sup> Arrangements for the safety of travellers' lives and properties were made on all the Trunk roads while they passed through the territory of this province. On the Grand Trunk Road alone 1,547 policemen were posted between the Karmanasa river and Delhi "to patrol all night".<sup>104</sup>

Travelling those days could be done in two ways—either by arranging for conveyance and guides through some private agency or through the Post Office. It was usual for the well-to-do persons to travel by dak, i. e., the Post Office. We have seen in the words of a contemporary traveller how a dak was laid.<sup>105</sup> Another contemporary traveller informs us that a dak journey normally began after dark, and in the palanquin as also in the doli every possible arrangement was made to make the traveller comfortable so that he could "recline at full length and slumber away the night, . . . . or read". The palanquin had "two dozen complete changes" and there was a break of the journey regularly for breakfast, lunch and dinner.<sup>106</sup> Whether or not journey by

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<sup>103</sup>R. Temple : James Thomason, p. 174 (*Rulers of India Series*).

<sup>104</sup>*Calcutta Review*, Vol. XXI, No. 41, p. 199.

<sup>105</sup>London : *Narrative of a Journey through India*, pp. 69-70, vide this Chapter, section on Post Office.

<sup>106</sup>*Sketches of India for Fire-side Travellers by An Officer*. (R. G. Wallace according to Sir Jadunath Sarkar—see his copy of the book), pp. 215-216.



palanquin and doli was comfortable, one cannot say with certainty in these days of railways and aeroplanes. One is puzzled when one finds Wallace, writing in 1821, telling us that it was very comfortable, while another traveller, writing in 1836, complaining of the bad roads, inconveniences of travel in the North-Western Provinces and of "having nearly every bone in one's body broken by the jolting of our palanquin carriage over these execrable roads.....".<sup>107</sup> The difference may be due to the point of view of the two travellers. One thing, however, is certain and it is that some improvements had surely been made in the roads and the means of transport between 1820 and 1836.

The Government maintained complete control and supervision on the Grand Trunk Road and maintained relays of bearers and horses after about every ten miles in order to carry the mail and the passengers. Therefore this road was safe, though the cost of travelling through it was higher. For example, a journey from Calcutta to Banaras cost seven hundred and sixty rupees in a palanquin.<sup>108</sup> The Agra-Bombay Trunk Road, however, had no relay system, and the porters once employed had to go all the distance between any two stations on this road. When, for instance, Min-turn and Gibson travelled from Agra to Bombay, the porters and palki and doli bearers employed at Agra had to carry them the whole distance which was divided into thirty stages. The bearers had to find

<sup>107</sup>H. E. Fane : *Five Years in India*, Vol. I, p. 99.

<sup>108</sup>Crooke : *North-Western Provinces of India*, p. 165.

their own food and clothing and had to make the trip back from Bombay empty-handed and unpaid, for their guilds forbade their taking a return load. Naturally, the journey from Agra to Bombay was much more risky and hazardous. It cost each passenger two hundred and four rupees, and he had to engage twelve porters at the rate of seventeen rupees each for the whole journey.<sup>109</sup>

In spite of all these difficulties of travel those days, the British Government officials had the best of it and travelled in full luxury and complete comfort. Jacquemont's testimony about the daily routine and luxury of a Collector on his tours is really very valuable. He records : "I found. . . a Collector on his rounds, with his wife and a little child. He had an elephant, eight carts like mine, two cabriolets and a special carriage for his child, two palanquins, six saddle and carriage horses, and to move them from one bungalow to another, from sixty to eighty porters, not to speak of at least sixty household servants. He dresses, changes his clothes again, breakfasts, has tiffin, dines and has tea in the evenings exactly as he does in Calcutta, dispensing with nothing. Glass and china are unpacked and packed up again overnight; four times a day there are brilliantly polished silver, clean linen, etc., etc. . . ."<sup>110</sup> A great contrast indeed between the life of a poor man and a rich official.

The roads in the North-Western Provinces were

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<sup>109</sup>R. J. Minturn, Jr. : *From New York to Delhi*, op. cit.

<sup>110</sup>Jacquemont : *Letters from India*, p. 61.

constructed and repaired out of the proceeds from a toll tax on public ferries which was deposited in the Road Fund. Another source of money for the Road Fund was the road cess which was one per cent of the revenue and collected with the Road and Ferry Fund Committee.<sup>111</sup>

It may be noted in this connection that for a considerable time the Government of the North-Western Provinces was not connected with the public works directly. From the beginning of the East India Company in the Upper Provinces the public works were in the charge of an "incompetent" Military Board which "mismanaged a parsimonious expenditure"<sup>112</sup> These activities were outside the scope and powers of the Lieutenant-Governor.<sup>113</sup> The interest that the Lieutenant-Governor took in the public welfare activities is, therefore, worthy of recognition. This inefficient arrangement was replaced in 1854 by a public works department in the time of Lord Dalhousie.<sup>114</sup> The new department was to look after and construct roads, canals, jails, treasuries, court houses and other public buildings and also aid in the laying out of railway and telegraph lines. Each province was to have its own public works department, and that of the North-Western Provinces proved to be one of the best in the country.

<sup>111</sup>Calcutta Review, Vol. XXI, p. 493.

<sup>112</sup>W. W. Hunter : The Marquess of Dalhousie, p. 200 (Rulers of India Series).

<sup>113</sup>R. Temple : James Thomason, Chapter X, (Rulers of India Series.)

<sup>114</sup>Imperial Gazetteer of India, Vol. IV, p. 307.

## THE RAILWAYS

The introduction of the railway was another important and useful project of the Government of India. R. Macdonald Stephenson was the pioneer who broached the idea of laying railroads in India as early as 1845, and advocated the construction of a railway line along the same route that the first railway of northern India—the East Indian Railway—later traversed.<sup>115</sup> The East Indian Railway Company was founded in England in May 1845 and by April 1846 the whole track from Calcutta to Delhi, via Mirzapur, was surveyed by Stephenson who collected important statistical information and submitted to the East Indian Railway Company an elaborate report on his findings. The final contract<sup>116</sup> for the cons-

<sup>115</sup>Huddleston: *History of the East Indian Railway*, p. 2.

<sup>116</sup>The main terms of the contract between the East Indian Railway Company and the East India Company were as follows :—

(i) E. I. R. agreed to deposit a security of £ 10,00,000 with the East India Company in London. (ii) E. I. R. was to satisfy the Government with regard to the equipment, etc. It was agreed that telegraph wires were to be laid along the railroad line. (iii) The Railway officials and its administration was to be under the supervision of the Government. (iv) The E. I. R. property was to become the property of the Government of India after 99 years. (v) The Govt. agreed to provide land free of charge to the Railway Company. (vi) The Government was authorized to select the route and direction of the railway line. (vii) The East India Company agreed to pay regular interest on the security money of £ 10,00,000 at the rate of 5 per cent per annum. (viii) The mail and posts of the Government and the Post Office officials were to be allowed to travel on the railway free of charge.

See Huddleston : *History of the East Indian Railway*; H. Bell : *Railway Policy in India*. Chapter I of the latter discusses the question of State guarantee of interest to railways.

truction of the railways and railway lines, however, was entered into between the East Indian Railway Company and the East India Company on August 17, 1849. The laying of the lines started early in 1852 and the track between Calcutta and Raniganj was opened to traffic early in 1854. Contracts for the extension of the line to Delhi—a distance of about 1,000 miles—were entered into in 1856.

When the question of extending the railway line to the North-Western Provinces came up, the Government of this province assured the Government of India that the country from Allahabad to Delhi offered no engineering difficulty<sup>117</sup> and that the rails could be laid out very easily and at a far lower cost than in other places. The Lieutenant-Governor suggested two alternative routes which could be followed by the railway in the North-Western Provinces. Both of them were along the banks of the two notable rivers where the important commercial marts of the province were situated. "On the Ganges are Kanpur, and Farrukhabad, and on the Yamuna are Kalpi, Agra, Mathura, and Delhi. It is evident, therefore, that commercially and even politically considered the Yamuna side of the Doab has the preponderance".<sup>118</sup> Explaining the matter further, the Lieutenant-Governor told the Supreme Government that there were two lines from Allahabad to Delhi—one of them was the Mughal line along the Yamuna, crossing

<sup>117</sup>N. W. P. Govt. to the Govt. of India, No. 84A, of February 2, 1853, vide Thomason Despatches, Vol. II, Document No. 70.

<sup>118</sup>Thomason Despatches, Vol. II, Document No. 70.

the river at Agra and then proceeding up the right bank to Delhi; and the second was the Grand Trunk Road which continued along the Ganga to Kanpur and then gradually crossed the Doab till it reached the bank of the Yamuna immediately opposite to Delhi. The difference of distance in the two roads was small. The lines were the same from Allahabad to Fatchput and from the latter place to Delhi *via* Agra was 339 miles, while along the Grand Trunk Road the distance was 311 miles.<sup>119</sup> On receiving this information, the Government of India decided to have a survey prepared of the routes and see as to which of them was more suited for a railway line.

The railway line between Calcutta and Allahabad was completed in 1856, and that year the revenue from traffic on the line from Calcutta to Allahabad amounted to £96,100-10-2. The railway was so popular in the country that by 1857 the income from the sale of railway tickets, etc., rose to £132,424-2-11.<sup>120</sup> Evidently, it would be wrong to say that railway travelling was unpopular in India. The gauge of this line was 5' 6", and in the beginning the railways had only three classes—I, II and III.<sup>121</sup>

When the Directors of the East Indian Railway Company found that railways were popular and that it would be profitable to extend the line to Delhi and open new ones, they decided to take up the matter.

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<sup>119</sup>Thomason Despatches, Vol. II, Document No. 70.

<sup>120</sup>Huddleston: History of the East Indian Railway, op. cit.

<sup>121</sup>Ibid.

Towards the end of 1856 contracts were entered into for extending the line to Delhi. At the same time there were two new projects—proposals for opening up the lines between Mirzapur and Jabalpur and between Delhi and Lahore.<sup>122</sup>

The work of the construction of railroads was suspended for a brief period during the Great Rebellion though the East Indian Railway Company was lucky enough to escape damage to its property.<sup>123</sup> It was resumed after the Rebellion with the usual energy. During the disturbances, the railways had proved most useful in the transport of troops and military stores. Hence the Government of the North-Western Provinces decided to connect every important town of the province, whatever be the cost of the project. Obviously, they had realised the strategic importance of railways.<sup>124</sup>

The line between Allahabad and Kanpur was completed in 1858 and next year a contract for that between Delhi and Lahore was given to the Punjab Railway, later renamed as the North-Western Railway. Calcutta was connected with Banaras in December 1862, while work was already going on as far as Agra. In 1860 the East Indian Railway had 120 miles of railroad open for traffic in the North-Western Provinces, and the line had come as far as Etawa.<sup>125</sup> On August 1,

<sup>122</sup>Huddleston : History of the East Indian Railway, *op. cit.*

<sup>123</sup>The Board of Directors, *vide* Huddleston, *op. cit.*, p. 19.

<sup>124</sup>B. D. Basu : Consolidation of the Christian Power in India, p. 950.

<sup>125</sup>Huddleston : *op. cit.*, p. 29.

1864, the East Indian Railway reached Delhi, on the banks of the Yamuna, covering a distance of 1,020 miles between Calcutta and Delhi.<sup>120</sup>

The railway cost heavily to the State, for the railway companies were in no mood to economise on their expenditure, as five per. cent interest on their capital had already been guaranteed by the Government. Moreover, as Swift Macneill pointed out, "out of every shilling spent in railway enterprise, 8d. makes its way to England"<sup>121</sup> through various channels and thus indirectly filled the pockets of English capitalists. Still, when introduced, the railways proved very useful and helpful in the economic and scientific development of the country. They encouraged trade and commerce of the province and "began the commercial and industrial revolution . . ."<sup>122</sup> that was to follow soon after.

### THE TELEGRAPHS

Telegraph service in India started under unusual

<sup>120</sup>Huddleston : op. cit., pp. 30-31.

<sup>121</sup>Swift Macneill in the House of Commons on August 14, 1890, vide Hansards Parliamentary Debates, Vol. 248, p. 1051.

<sup>122</sup>L. C. A. Knowles : *The Economic Development of the British Overseas Empire*, Vol. I, p. 329. For the Economic effects of Railways see Knowles, Vol. I, pp. 320-337.

Comparing the canal and railway projects of the Government, Romesh Chandra Dutt pertinently remarked : "Irrigation works paid, and more than paid, from the very commencement; railways did not give an adequate return on the outlay. Irrigation works were converted into a source of revenue to the Government; railways led to a permanent loss to the Government year after year. Irrigation secured crops, increased the produce and averted famines in years of drought; railways helped the conveyance of food to afflicted areas in famine years, but did not add to the produce of the land".—Dutt: *Economic History of India in the Victorian Age*, pp. 173-174.



circumstances. Dr. William Brooke O'Shaughnessy, an Irishman, carried out some experiments in electric telegraph in the neighbourhood of Calcutta in 1839. He laid out an experimental telegraph line between Calcutta and Diamond Harbour. He was a contemporary of F. B. Morse in America who connected Washington, D. C. with Baltimore in 1839. The experiments of this Irishman were successful and Lord Dalhousie recommended his name to the Court of Directors and suggested that telegraph lines be laid out in India. The Court, though cautioning Dalhousie against certain considerations, sanctioned the scheme in their Despatch dated September 26, 1849.<sup>129</sup>

The Governor-General appointed William Brooke O'Shaughnessy as Superintendent of Electric Telegraphs in India.<sup>130</sup> O'Shaughnessy laid the first official telegraph lines between Calcutta and Diamond Harbour, which was opened to the public in October 1851. It was 30 miles long. The Superintendent was greatly assisted in this work by his right hand man, Shib Chandra Nandy who was attached with him at the Mint at Calcutta. It was Shib Chandra Nandy who sent the first signal from the Diamond Harbour end which was received at Calcutta in the presence of Lord Dalhousie and Dr. O'Shaughnessy. By the end of March 1852 the line was extended over 66 miles from Calcutta to Kedgerie.<sup>131</sup>

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<sup>129</sup>Commons, Accounts and Papers, East India, 1854-55, Vol. XL, p. 3.

<sup>130</sup>Later the officer was designated as Director-General of Telegraphs.

<sup>131</sup>Dr. W. B. O'Shaughnessy's Report, Calcutta Electric Telegraph Office, dated March 30, 1852, vide Commons, Accounts & Papers, 1854-55, Vol. XL, p. 4.

As the experiment was a financial success,<sup>132</sup> on April 14, 1852, Lord Dalhousie requested the Court of Directors to sanction the extension of the telegraph lines connecting Calcutta with the provincial capitals at Agra, Bombay and Madras, besides Peshawar, "either simultaneously or as soon as possible."<sup>133</sup> O'Shaughnessy was deputed to England to plead the case with the Court. The Irishman seems to have been a good advocate of his cause, as he easily convinced the Directors and the latter sanctioned the construction of 3,150 miles of telegraphs in India.<sup>134</sup> The Governor-General invited suggestions from the various provincial Governments regarding the route to be followed by telegraph in their territories.<sup>135</sup> The Government of James Thomason suggested the Grand Trunk Road as the best route for telegraphs in the North-Western Provinces, as it passed through most of the important towns of the province, and other towns were in easy reach from this road. Moreover, most of the commercial centres of the province also lay along it. It was the safest road as there was a

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<sup>132</sup>Minute of Governor of Bengal dated April 14, 1852, vide Commons, Accounts and Papers, 1854-55, Vol. XL, pp. 13-14; Dr. O'Shaughnessy's Report of March 30, 1852, Para 62, vide Commons, Accounts and Papers, 1854-56, Vol. XL, p. 4

<sup>133</sup>Minute of Governor of Bengal dated April 14, 1852, vide Commons, Accounts and Papers, Vol. XL.

<sup>134</sup>Public Letter of Court of Directors to Governor-General, No. 38 dated October 20, 1852, vide Commons, Accounts and Papers, 1854-55, Vol. XL.

<sup>135</sup>Home Department, J. P. Grant to W. Muir, No. 1020 dated December 22, 1852, vide Commons, Accounts and Papers, 1854-55, Vol. XL.

regular watch and ward on it, and branches might be easily thrown from it at various points connecting the province with Nepal, Nagput, Hyderabad, Indore, Bombay, Ajmer and Rajputana.<sup>136</sup>

The laying of the new line between Agra and Calcutta was not an easy task.<sup>137</sup> Dr. O'Shaughnessy had to face many problems and difficulties in the new project some of which have been described by Arnold.

The work of connecting Agra with Calcutta telegraphically was started in November 1853, and the

<sup>136</sup>General Department, Muir to Grant, No. 54A of 1853 dated January 5, 1853, vide Commons, Accounts and Papers, 1854-55, Vol. XL.

<sup>137</sup>E. Arnold while describing the many problems Dr. O'Shaughnessy had to face in the Western Bengal, Bihar and the modern Uttar Pradesh says: "He had a field for experiment, subject to electric storms and perturbations unknown in Europe; a soil alternately baked into one electrical condition, and sodden into another; winds that would lay the telegraph posts in England across the lines from Birmingham to London in a night; little timber, less iron, no skilled labour, no appliances at starting, and—the white ant. The ground which he selected to begin upon, on the principle of measuring the difficulty by its maximum, was a lake from June to December, and a wilderness of fissured clay from December to June. . . His posts had to pass through jungles, where wild beasts used them for scratching stations, and savages stole them for firewood and rafters for huts. Inquisitive monkeys spoiled the work . . . by dragging the lines into festoons, or dangling an ill-conducting tail from wire to wire. Crows, kites and fishing eagles made roosting-places of the lines in numbers so great as to bring them to the ground; though once or twice a flash of lightning, striking a wet wire, would strew the ground with carcases of the feathered trespassers by dozens. The white ant nibbled galleries in the posts and the porcupine and bandicoot burrowed under them." Arnold : Administration of Lord Dalhousie, p. 245 ff.

work was completed in March 1854. The first telegraphic message between the capital of India and the capital of the North-Western Provinces was exchanged on March 25, 1854. It took one hour and fifty minutes for the message to be conveyed from one end of the wire to the other.<sup>138</sup> Later on this line was extended to Bombay on the one side and to Peshawar on the other. Regular Bombay-Calcutta service was thrown open to the public in November 1854 and that between Calcutta and Peshawar in February 1855. The same year Bombay-Madras line was also completed.<sup>139</sup>

The telegraph rendered the most useful service to the East India Company during the Great Rebellion when so much depended upon the quick transmission of news, exchange of reports and delivery of the orders of the Government. But for the railways and the telegraphs the British might have left India in 1857 instead of 1947.

From 1855 to 1859 telegraph messages sent out were written on revenue stamped paper below the stamps. Telegraph stamps were issued for the first time in 1860 and they were then known as Electric Telegraph Stamps.

These activities made the provincial Government popular and improved the chances of British rule in our country.

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<sup>138</sup>Private Letters of the Marquess Dalhousie, edited by J. G. A. Baird, Appendix H, p. 293.

<sup>139</sup>Arnold : Administration of Lord Dalhousie, op. cit.

## SOCIAL REFORMS

Besides the above, there were a few reforms and activities of the Government of India which benefited the people of the province. These aimed at removing some of the social evils from the Hindu society of that age, and they affected the North-Western Provinces to the same degree as the other provinces. Prominent among these evils were the sati and the infanticide.

*Sati*

The horrible practice of burning a Hindu widow on the funeral pyre of her deceased husband had a semi-religious sanction and was inspired by the reasoning that it was better for a woman to burn herself along with her husband than to lead the miserable life of a widow. Originally, the practice was voluntary, but later it was made obligatory by the 'guardians of religion and morals'. The Sati system was more popular in the Presidency of Bengal and the Upper Provinces than in any other part of India; it was more common in Bengal than in the North-Western Provinces.<sup>140</sup> The Company's servants were aware of the evil, but they refrained from interfering until the time of Lord William Bentinck. On December 4, 1829, this Governor-General placed before his Council the draft of a Regulation on this vital subject, declaring that ".....the Government of which I am a part should have the credit of an act which is to wash out a foul stain on British rule, and to stay a sacrifice of humanity and

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<sup>140</sup>Kaye: Administration of the East India Company, pp. 539 and 531; F. D. Walker: William Carey, pp. 245-46.

justice to a doubtful expediency. . . ."<sup>141</sup> The Regulation was passed and the evil practice of sati was declared illegal and punishable by the criminal courts. The persons aiding the performance of sati were to be charged with culpable homicide.<sup>142</sup> Hindu community was, thus, purged of a general evil in the North-Western Provinces as well as in the rest of the country.

### *Infanticide*

Another great social evil was the killing of female infants by their parents. This was prevalent among the high class Hindus, specially Brahmans and Rajputs. The reason for it was two-fold—the high cost of the marriage of girls and a false notion of prestige. Colonel James Tod felt that "although religion nowhere authorises this barbarity, the laws which regulate marriage among the Rajputs powerfully promote infanticide."<sup>143</sup> Moreover, "to marry his daughter was often to ruin a man."<sup>144</sup> In the North-Western Provinces the evil was noticeable among the Rajputs, especially the Chauhans. Jonathan Duncan, the Resident at Banaras and later Governor of Bombay, noticed this evil in 1789 while he was touring on the frontiers of the Jaunpur district. On October 2, 1789, he wrote about it all to Lord Cornwallis and on December 23,

<sup>141</sup>Parliamentary Papers, 1824, Vol. XXIII. pp. 44-45; Peggs : *India's Cries to British Humanity*, pp. 57-60.

<sup>142</sup>Regulation XVII of 1829.

<sup>143</sup>J. Tod : *Annals and Antiquities of Rajasthan*, Vol. I, p. 547.

<sup>144</sup>Kaye : *Administration of the East India Company*, p. 573.

the same year, he forwarded a translation of an agreement into which the Rajputs of Banaras had entered into with the Resident binding themselves to put an end to this evil practice.<sup>145</sup> In spite of the efforts of Duncan and others, Shakespear, the Superintendent of Police in the Upper Provinces, had to report on April 30, 1816, that the Rajputs of the province indulged in infanticide "to nearly the same degree as formerly, though a greater degree of caution was preserved to prevent detection."<sup>146</sup> Another centre of this evil was the Mainpuri district and the neighbouring area. There, in 1842, Mr. Unwin, then Collector-Magistrate, while revising the land settlement casually began a census of the population in order to find out the effects of the famine of 1837-38 on the people and came to know that there was not a single Chauhan girl, old or young, in the district. The Magistrate took prompt steps to see that no child was in future murdered by its parents. Fortunately, he was successful in his attempt to a great extent. In 1842 there was no Chauhan girl in the Mainpuri district; in 1851 there were about 1,500 Chauhan girls in the district between the ages of 1 and 6 years.<sup>147</sup>

The steps taken by R. Montgomery at Allahabad may be described in his own words: "I appointed a

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<sup>145</sup>Calcutta Review, Vol. I, p. 377.

After Duncan, R. Montgomery, Magistrate of Allahabad, invited the attention of the Government to this practice. (Ibid.)

<sup>146</sup>Shakespear, vide Cambridge History of India, Vol. VI, p. 129.

<sup>147</sup>Raikes: Notes on the North-Western Provinces of India, pp. 18-22.

chaptasi to reside in each village whose sole duty it was to report the birth of a female child in the family of any of the . . . . . Rajputs. I also bound the *gorail*, *chaukidar* and the midwives, under a heavy penalty, to report separately each birth at the thana, the four thus acting as a check on each other. I directed the thanadar, on the death of any female infant being reported, to hold an inquest on the body, and afterwards transit it to the Civil Surgeon for examination. I associated the tahsildar with the thanadar in order to ensure a more efficient superintendence." The results were encouraging. Out of every four girls born, three lived as a result of the Government's vigilance.<sup>148</sup> Similar steps were taken throughout the province and infanticide declared illegal and a criminal offence.

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<sup>148</sup>Report of the Magistrate of Allahabad, 1841, vide Calcutta Review, Vol. I, No. II, 1844.



## CHAPTER X

### EDUCATION

Though many Indian rulers in the ancient and medieval periods of our history patronized scholarship, education of the public was never considered to be a duty and responsibility of the State. The East India Company, which stepped into the shoes of the Mughals, behaved in the same way in the early days of its rule in Bengal and the Upper Provinces. It paid attention to the education of the people very late in the day, and the first sign of a will to educate them was manifested in 1813, when in the Charter Act of that year "more than one lakh rupees" annually were provided for "the revival and improvement of literature and the encouragement of the learned natives of India, and . . . for promotion of a knowledge of the Sciences".<sup>1</sup> The first Educational Despatch of the Court of Directors was issued in 1814;<sup>2</sup> but for some years no step was taken to implement it and the money was allowed to accumulate. No appropriations from the sum were made till 1823, when the Government appointed a General Committee of Public Instruction with J. H. Harington as President and H. H. Wilson as Secretary. Dr. Lumsden and L. Price were made in charge of

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<sup>1</sup>Act 53 George III Cap. 155. Also Sharp: *Selections from Educational Records*, Vol. I, p. 22.

<sup>2</sup>Sharp: *Selections from Educational Records*, Vol. I, pp. 22-24.

Muslim and Hindu education respectively.<sup>3</sup> The Committee had Oriental leanings and followed what is known as the Orientalist policy.<sup>4</sup>

### THE EARLY BEGINNINGS

#### (a) *The Banaras Pathshala*

Before the appointment of the General Committee of Public Instruction there existed a number of educational institutions in the country, some of which were financed by the Government, while a large number of them depended upon public and private initiative. Warren Hastings had founded the Calcutta Madrasa in 1780 on the request of the people "to promote the study of Arabic and Persian languages",<sup>5</sup> while the oldest modern educational institution in the North-Western Provinces, the Sanskrit Pathshala (now the Central Hindu College) at Banaras, was projected in 1791 by Jonathan Duncan for the preservation and cultivation of the law, literature, and religion of the Hindus.<sup>6</sup> Both the Calcutta Madrasa and the Banaras Pathshala were financed from public funds by the Company's Government.<sup>7</sup> Sometime after

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<sup>3</sup>Secretary to Government, July 31, 1823, to General Committee of Public Instruction, vide Foreign Department, Miscellaneous Records, Vol. 178, No. 1 of July, 31, 1823.

<sup>4</sup>Boman-Behram : Educational Controversies in India; Trevelyan : On the Education of the People of India; Sharp : Selections, Vol. I, pp. 53-54.

<sup>5</sup>Fisher's Memoir on Education, vide Commons, Report for 1831-32, Public, Vol. IX, Appendix I, p. 196.

<sup>6</sup>Sharp : Selections from Educational Records, Vol. I, pp. 10-11; Nicholls : Sketch of the Rise and Progress of the Banaras Pathshala or Sanskrit College, pp. 11-12.

<sup>7</sup>Letter from Governor-General dated January 13, 1792, to J. Duncan, vide Sharp : Selections, Vol. I, pp. 12-13.

its foundation the Sanskrit Pathshala fell into disrepute, and F. Brooke, Acting President of the College Committee, reported in 1804: "The College instead of being looked up to by the natives with respect and veneration, is an object of their ridicule; instead of an assemblage of learned Hindus, it resembles a band of pensioners supported by the charity of the Government".<sup>8</sup> In consequence, however, of the recommendations of a Committee of Enquiry, the Government allowed the continuation of the institution as it tended to "endear the Government to the people,"<sup>9</sup> and reorganised it on proper lines. In January 1822 the Raja of Banaras donated rupees 1,000 to the reorganized Pathshala which was by this time on a path of progress and popularity. The subjects taught at Banaras included theology, medicine, botany, music, mechanics, arts, grammar and prosody, sacred texticography, mathematics, logic, law, history, ethics, philosophy and poetry. In 1823 there were 271 students out of whom 203 had come from outside.<sup>10</sup>

#### (b) *The Agra College*

A Government College was started at Agra in 1823, as a result of the exertions of the local Collector from the proceeds of the rent-free grant of land in the name of Gangadhar Shastri. This scholar was in

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<sup>8</sup>Minute of January 7, 1804, vide Nicholls: Sketch of... Banaras Pathshala, pp. 9-10.

<sup>9</sup>Fisher's Memoir, vide Commons, Report, 1831-32, Public, Vol. IX, Appendix I.

<sup>10</sup>Ibid.

1788 invited from his village home of Kachari in the Gaya district of Bihar by Mahadji Sindhia and was granted the jagir of the villages of Jhandavi and Chanmuha in the Agra district and of Iglas in the Aligarh district by his successor Daulat Rao Sindhia<sup>11</sup> in perpetuity for the promotion of learning and he enjoyed them from 1796 till his death in 1813.<sup>12</sup> After it was fully confirmed that there were "no interpolation, addition, erasure or alteration of any sort"<sup>13</sup> in the sanad, the Board of Revenue requested the Government to take over the control of grants,<sup>14</sup> which was done. On January 5, 1816, the Government decided that three-fourths of the income from this jagir be applied for educational and charity purposes and one-fourth be given to Gangadhar's successors. The two funds at Agra and Aligarh were united and it was decided to establish a College

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<sup>11</sup>In all Gangadhar was given jagir in the following seven localities : Eglas, Bhilpur, Asahar, Sirapur, Karchala, Gandauli and Lalpur. See Dr. K. K. Datta : 'Gangadhar Shastri', Indian Historical Records Commission Proceedings, Volume XXVII, part II, pp. 38-46.

<sup>12</sup>Collector of Agra, A. Wright, August 31, 1814, to J. W. Laing, Secretary Board of Revenue, vide Board of Revenue Proceedings, No. 1. of September 16, 1814. Also depositions of Tahwar Ali, Gulab Chand, Tara Chand, Kirpa Ram and Ramzani, annexed as No. 1A dated September 16, 1814; 'Mahadji Sindhia and the Agra College' by M. V. Kibe, Indian Historical Records Commission Proceedings, Vol. XXIII, pp. 59-63 and 'Gangadhar Shastri' by K. K. Datta, Indian Historical Records Commission Proceedings, Vol. XXVII, part II, pp. 38-46.

<sup>13</sup>Board of Revenue to Govt. December 30, 1814, vide Board of Revenue Proceedings, No. 2 of December 30, 1814.

<sup>14</sup>Ibid.

from the annual income.<sup>15</sup> The matter was referred to the General Committee of Public Instruction in July 1823, which in October recommended the establishment of an Oriental College immediately.<sup>16</sup> It was decided "to place the new institution on a more liberal footing and to direct its instruction to general purposes of business and of life".<sup>17</sup> The College, called the Agra College, was to be open to all communities in the country, and, therefore, the curriculum included the study of the language and literature of both of the important communities of the province—the Hindus and the Muslims. Consequently, Hindi and Sanskrit, Arabic and Persian, received special attention. English was not taught in the beginning. The Agra College was founded on these lines and started its life on November 7, 1823.<sup>18</sup> As recommended by the General Committee, its monthly expenditure was to be Rs. 870.<sup>19</sup>

The Agra College became popular with the intelligentsia of the North-Western Provinces immediately after its foundation. In 1826 there were

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<sup>15</sup>Board of Revenue to Local Agents, vide Board of Revenue Proceedings, No. 37 of December 21, 1821.

<sup>16</sup>General Committee to Govt. on January 21, 1835, vide Home, Public Proceedings, No. 7 of March 7, 1835.

<sup>17</sup>Educational Despatch of Governor-General to the Court of Directors, dated January 27, 1826.

<sup>18</sup>General Committee to Government on January 21, 1835, vide Home, Public Proceedings, No. 7 of March 7, 1835. Also Fisher's Memoir, vide Commons, Report, 1831-32, Vol. IX, Appendix I.

<sup>19</sup>A. Sterling to Harington on November 7, 1823, vide Foreign Department, Miscellaneous Records, Vol. 179, Education.

117 students in the College of whom 43 were in Hindi-Sanskrit group and 74 were in Persian-Arabic group. By next year the number had risen to 63 in Hindi-Sanskrit group and 121 in Persian-Arabic group. Hindi was popular with a majority of the students of the College : out of 184 students in 1827 not less than 120 read Hindi, though all of them did not offer Sanskrit. The study of geography, astronomy and mathematics was started on European system from 1827. The same year the College Committee requested permission to start instruction in the English language, but the General Committee of Public Instruction did not approve of the idea. In their annual report for 1827 the General Committee expressed the opinion that "at present English instruction at Agra is of secondary importance....and that we have not the means at command of imparting a sound and thorough knowledge of the language ...."<sup>20</sup> The request was repeated by the College Committee in 1828, and this time the General Committee accepted the proposal. An English class was attached to the Agra College at a cost of rupees 200 per month for a teacher and rupees 50 for books, etc. The College building was erected from a grant of rupees 42,501/13/9 made by the Government in 1829. In 1841 a contemporary writer described the Agra College building as follows :—

... "The most striking of all the public buildings

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<sup>20</sup>Educational Despatch to the Court of Directors, August 21, 1829.

is the College, situated on the Civil Lines and at a short distance from the town. It was built by Lieutenant Boileau. It is a noble quadrangle and in the Gothic style with jutting corners, having four turrets at each of the corners and two loftier ones flanking the two principal entrances. There are arched varandas on each side, four handsome entrances and four corner quadrangular rooms. A passage runs from north to south through the building and on each side there are seven spacious rooms, including the central hall which is divided into two parts. The southern side of the building is appropriated to the Vernacular department and the northern to the English".<sup>21</sup>

### (c) *The Delhi College*

In Delhi, one Mr. Fraser had instituted schools at different periods since 1814, but without much success.<sup>22</sup> The Delhi Oriental College was founded in 1828 through the efforts of the General Committee of Public Instruction. A sum of rupees 3,000 to 3,500 per annum was reported to be locally available for the purpose of an educational institution and to this the General Committee added rupees 600 per month. M. D. Taylor was appointed Superintendent of the College with an allowance of rupees 150 per month. The staff was to consist of one teacher on rupees 100 per month and five maulvis on rupees

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<sup>21</sup>Calcutta and Agra Gazetteer, 1841, Volume I, pp. 120-121.

<sup>22</sup>Basu : History of Education in India under the East India Company, pp. 20-21.

50 per month each. Eighty-nine students were given stipends of rupees three each per month. The main subjects taught were Persian and Arabic. Arithmetic, history and jurisprudence were also taught.<sup>22</sup> The local Committee was enthusiastic about the introduction of English in the Delhi College, but the General Committee of Public Instruction did not approve of the scheme, and recommended the establishment of a separate institution for that purpose at a monthly expense not exceeding rupees 800. The Government concurred with the views of the General Committee and recorded that "the best mode of encouraging and promoting the study would be the formation of separate colleges rather than the attaching of classes for the cultivation of that language to the institutions already existing".<sup>24</sup>

*(d) Missionary and other Schools*

Besides the above institutions run by the Government, there was in the province many a School financed and run by the public and the Christian missions. The missionaries at Meerut started a Vernacular School in 1811 with 30 boys on the rolls, and by 1840 the number of schools in Meerut had risen to five.<sup>25</sup> Mr. Corrie started a School at Agra in 1813 and supervised it for many years. In 1814 there were 84 students on the rolls and by 1842 the number of

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<sup>22</sup>Educational Despatch from Governor-General to the Court of Directors, January 27, 1826.

<sup>24</sup>Despatch of Governor-General to Court of Directors, August 21, 1829.

<sup>25</sup>James Long : *Hand Book of Bengal Missions*, p. 223.



schools at Agra had gone up to ten with 300 boys.<sup>26</sup> Mr. Corrie had set up a School at Sekrole, the headquarters of the Europeans at Banaras, before he left for Agra, and it continued to flourish after him.<sup>27</sup>

When Lord Hastings visited the Upper Provinces in 1814, a wealthy philanthropist of Banaras, Jai Narain Ghoshal, presented him a petition and proposed to establish a School at Banaras. He offered to create an endowment of rupees 20,000, the interest of which together with the income from some land was considered adequate to maintain the proposed School. The School was to impart instructions in Hindi, Bengali, Persian and English. Hastings approved of the plan. Jai Narain also made over a building for the School in which nearly 200 boys received education. Jai Narain's son Kali Charan also made gifts to the School from time to time.<sup>28</sup>

At Kanpur a School, named Kanpur Free School, was founded in 1820 by some private individuals. Its finances being poor, Major-General Lewis Thomas, Commanding-Officer there, appealed to the Government for aid, and the Governor-General in 1823 sanctioned a grant of rupees 400 per month. The Christian missionaries established five schools in

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<sup>26</sup>James Long : *Hand Book of Bengal Missions*, p. 54.

<sup>27</sup>*Ibid*, pp. 62-63.

<sup>28</sup>Fisher's Memoir, James Long : *Hand Book of Bengal Missions*, pp. 68-72.

For the endowments and gifts of the Ghoshal family see Home Dept., Misc. Records, General Proceedings, Vol. 502, No. 3 of 1845. The total donation reached rupees 1,15,300.

Gorakhpur in 1823, and an English class was started by Wilkinson in 1825. An English School at Gorakhpur was set up only in 1835.<sup>29</sup> Private efforts were successful in establishing a School at Allahabad in 1825, and later the General Committee aided it with a regular grant. In January 1826 there were in this School 31 students in the Persian class and 17 in the Hindi class.<sup>30</sup> A School at Etawa was founded in 1824 by the Collector of that district and financed from the town duties. But it had to be abolished in 1828 due to the small number of students.<sup>31</sup> A few schools were started by the people of Bareilly, some of which had a long life. Hamirpur got a School in 1828, and Jaunpur in 1829.<sup>32</sup>

#### THE GENERAL COMMITTEE OF PUBLIC INSTRUCTION

Up to the year 1830 the General Committee of public Instruction was Orientalist in its attitude and believed that the Arabic and Sanskrit languages were the best means of raising the intellectual standard of the people of the country. Not to force the genius of the people out of them but to improve and broaden those channels by letting into them the fresh learning of the West, was the policy of the General Committee. As H. H. Wilson put it, "If the people are to have a literature, it must be their own. The stuff may be in a great degree European, but it must be fully interwoven with

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<sup>29</sup>James Long : *Hand Book of Bengal Missions*, op. cit.

<sup>30</sup>Supplement to Memoir by Fisher dated February 23, 1832.

<sup>31</sup>Supplement to Memoir by Fisher, Ibid.

<sup>32</sup>Ibid.

homespun materials and the fashion must be Asiatic".<sup>29</sup> The Orientalists desired to encourage scholarship in the classical and modern Indian languages. Western knowledge and sciences were to be passed on to Indians only slowly; these were to be engrafted on Oriental learning. Thus they adopted what came to be known as the filtration theory and confined their endeavours to the education of the selected few hoping that it would slowly spread to the masses.<sup>30</sup>

The General Committee did some valuable work in this direction. In May 1824, on their recommendation one Abdur Rahim was employed "as a translator from English works of science into Persian and Arabic, under the superintendence of the Secretary of the (Calcutta) Madrasa at a monthly salary of rupees 100."<sup>31</sup> The Committee also granted stipends to the scholars of Agra, Banaras and Delhi Colleges and thus attracted many students to these Colleges. Arabic and Sanskrit were warmly patronized and the Committee started on a programme of large-scale printing of books in these languages.

Meanwhile, a new awakening and a desire for a knowledge of the Western literature and sciences was coming into prominence in the minds of the country. People outside the Committee had become vocal in

<sup>29</sup>Wilson : Education of the Natives of India, vide Asiatic Journal, Vol. XIX, 1836, p. 14.

<sup>30</sup>General Committee Letter No. 2094 dated Jan. 22, 1835, vide Home, Public Proceedings, No. 14 of March 7, 1835; Boman-Behram : Educational Controversies, p. 144.

<sup>31</sup>Governor-General to the Court of Directors, January 27, 1826.

favour of the study of the English language and literature, and Bishop Heber was convinced that in fifty years Indians would "make our language what Urdu is at present."<sup>26</sup> The appetite for English studies was whetted by a number of missionary schools scattered all over the country. The local Committees of the Colleges at Banaras, Agra and Delhi also became enthusiastic for the inclusion of English in their curricula. The Delhi College Committee addressed a representation<sup>27</sup> to the General Committee in this connection, and two similar representations were submitted by the Agra College Committee in 1827 and 1828.<sup>28</sup> Both these Colleges were Oriental Colleges from their inception. In both cases the General Committee accepted the representation only in part and allowed a separate English class along with the Vernacular classes in the two Colleges. As W. W. Bird told the Lords Committee in 1833, "The natives have an idea that we have gained everything by our superior knowledge, that it is superiority which has enabled us to conquer India and keep it. . . . Therefore they are desirous of obtaining this knowledge on any terms. . . they go to the missionary schools, where they learn the Bible and run the risk of being converted for the sake of obtain-

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<sup>26</sup>Heber: Narrative, etc., Vol. II, pp. 306-307.

<sup>27</sup>Governor-General to the Court of Directors, August 21, 1829. Trevelyan: On the Education of the People of India, p. 4; Report of the General Committee of Public Instruction for 1833, Appendices F & G.

<sup>28</sup>Governor-General to the Court of Directors, August 21, 1829.

ing the knowledge which they obtain there."<sup>39</sup> Charles Trevelyan corroborated the above opinion when he wrote: "Upwards of 31,000 English books were sold by the School Book Society in the course of two years, while the Society did not dispose of Arabic and Sanskrit volumes enough in three years to pay the expenses of keeping them for two months, to say nothing of printing expenses. . . ."<sup>40</sup>

The representations of the local Committees and the demands of a section of the public led the Court of Directors to change their policy. On September 29, 1830, they wrote to the Governor-General: "While we attach much more importance than is attached by the two (Agra and Delhi) Committees to the amount of useful instruction which can be communicated to the natives through their own language, we fully concur with them in thinking it highly advisable to enable and encourage a large number of natives to acquire a thorough knowledge of English. . . ."<sup>41</sup> The Government was asked to patronize English learning and encourage it as far as possible.

The General Committee of Public Instruction itself was torn on this question; the Anglicist section became much more vocal when Charles Trevelyan, J. R.

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<sup>39</sup>Bird's evidence on June 30, 1853, vide Lords, Second Report, 1852-53, Question No. 7183.

The attraction of Government service, however, was a more potent cause for this tendency.

<sup>40</sup>Trevelyan: *On the Education of the People of India*, p. 10.

<sup>41</sup>Public Letter from the Court to the Governor-General, September 29, 1830.

Colvin, and W. W. Bird became its members. Soon it came to be divided into almost two equal divisions. The obvious result was a deadlock.<sup>42</sup> The controversy between the Orientalists and the Anglicists came to a head when the Government in its letter dated April 28, 1934, asked for information about the Agra College together with the opinion of the local public regarding English education. The General Committee failed to submit an agreed report and requested the Government to furnish it with "some definitive general instruction" about the language policy.<sup>43</sup> It was then that Macaulay decided to take the chance and tabled his famous resolution of February 2, 1835, which was passed by the Governor-General-in-Council, making it obligatory for the Government to spend all funds appropriated for the purpose of education on English Education alone.<sup>44</sup> This resulted in the withdrawal of the Government's support to all institutions purely Oriental, like the Sanskrit College of Banaras and the Calcutta Madrasa.

The change in the education policy of the Government was revolutionary and sudden, and caused an uproar in Orientalist circles. After a few years Lord

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<sup>42</sup>Trevelyan, *op. cit.*, pp. 11-12.

Smith has called the two parties the *Oriento-manics* and the *Anglo-manics*, vide G. Smith: *Life of Alexander Duff*, Vol. I, p. 186.

<sup>43</sup>General Committee to Government, No. 2093, dated January 21, 1835, vide Home, Public Proceeding, No. 14 of March 7, 1835.

<sup>44</sup>Lord William Bentinck's Minute on Education Policy dated March 7, 1835, vide Home, Public Proceedings, No. 15 of March 7, 1835.

Auckland revised it and decided to restore the original grants to purely Oriental institutions. He did not find any reason to depart from the practice of having combined English and Vernacular education. It was, therefore, decided that English and Vernacular education be encouraged by the Government simultaneously.<sup>45</sup> The Court of Directors in their Education Despatch of 1841 approved the main principles of Auckland's Minute which now "came to be regarded as an authoritative pronouncement of the educational policy of the Government."<sup>46</sup> This Despatch finally brought to a close the controversy between the Orientalists and the Anglicists that had caused worry to the people for about a quarter of a century.

In the North-Western Provinces the educational institutions under the General Committee of Public Instruction in 1835 were the Colleges at Delhi, Agra, and Banaras and the Schools at Banaras, Saugor, Allahabad and Delhi. That year was established a School at Ghazipur and one at Meerut. Next year (1836) were added seminaries at Gorakhpur, Jabalpur, Hoshangabad, Farrukhabad and Bareilly. The School at Ghazipur was set on an efficient footing.<sup>47</sup> The School at Azamgarh was added to the supervision of the General Committee in 1837.<sup>48</sup>

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<sup>45</sup>Auckland's Minute on Native Education. Also Calcutta Christian Observer, April and May 1841.

<sup>46</sup>Richey: Selections from the Educational Records, Vol. II, pp. 1-5.

<sup>47</sup>Report of the General Committee of Public Instruction for 1835.

<sup>48</sup>For educational institutions in the North-Western Provinces, the Calcutta and Agra Gazetteer, 1841, Pt. III is invaluable.

English was gradually becoming popular in the country under the newly constituted General Committee of Public Instruction. In the thirty institutions under its supervision, the number of students in the different subjects<sup>49</sup> was as follows :

Type of class	Students in 1835	Students in 1836
English	1,816	3,511
Sanskrit	473	381
Arabic	218	256
Persian	376	385
Total	2,883	4,533

The trend became more marked when the Government discontinued Persian as the official language of the law courts in 1837 and adopted English in its place. This new step made the demand for English education greater than ever before, as is clear from the rising number of students in this subject in the Agra College in the years following 1837.

The decreasing number of students in the Oriental classes led the General Committee to convert the Agra College into an Anglo-Oriental College.<sup>50</sup>

<sup>49</sup>Report of the General Committee of Public Instruction for 1836, pp. 1-2. The above figures include students in schools and Colleges in Bengal, where English was very popular.

<sup>50</sup>Report of the General Committee of Public Instruction for 1837, pp. 42-43.



A School Book Society for the North-Western Provinces with its headquarter at Agra, on the lines of the Society at Calcutta, was set up in 1838.<sup>51</sup> A Christian School Book Society was established at Banaras the same year.<sup>52</sup> The former started a programme of publishing books to be used in schools in the province, while the latter produced Christian propaganda literature.

### EDUCATION BECOMES A PROVINCIAL SUBJECT

At the end of 1841 the General Committee of Public Instruction was dissolved and in its place a Council of Education was constituted<sup>53</sup> on January 10, 1842. On April 29, 1843, the Governor-General-in-Council placed all educational institutions in the North-Western Provinces or the Agra Province of the Bengal Presidency, under the Lieutenant-Governor of the province. Education, which was a central subject so far, thus became a provincial subject, and all local education Committees were asked on May 3, 1843, to correspond directly with the provincial Government on all matters relating to education.<sup>54</sup> However, in this province no Council of Education was set up and the Lieutenant-Governor himself took over educational policy and administration.<sup>55</sup> The change from a centrally administered

<sup>51</sup>Calcutta Christian Observer, February 1838, p. 119.

<sup>52</sup>Calcutta Christian Observer, June 1838, p. 314.

<sup>53</sup>Richey : Selections from Educational Records, Vol. II, pp. 86-87.

<sup>54</sup>General Report on Public Instruction in the Lower Provinces of the Bengal Presidency for 1843-44, Appendix I, pp. xci-xcii.

<sup>55</sup>H. J. Halliday on July 25, 1853, Question No. 8775, vide Commons, Report from Committee, 1852-53, Vol. XIX.

subject to that of a provincial responsibility was inevitable. English education was spreading rapidly in Bengal, but in the North-Western Provinces Persian was even now widely read and understood and the study of English was in its infant stage. This divergence made it difficult for the General Committee to follow a uniform educational policy for the whole of the Company's dominion in northern India.<sup>56</sup> Moreover, the North-Western Provinces had attained the status of an administrative unit, and it was only fair that education, like other subjects, should be treated as a provincial subject. The institutions which fell to the share of this province were the Colleges at Agra, Delhi and Banaras, and the Schools at Allahabad, Azamgarh, Bareilly, Banaras, Delhi, Ghazipur, Gorakhpur, Farrukhabad, Jabalpur, Meerut and Saugor.<sup>57</sup> The School at Meerut was wound up in 1844 due to its "unsatisfactory condition."<sup>58</sup> A new School was, however, opened on September 25, 1848, as a Government Free School.<sup>59</sup> The Farrukhabad School was closed down the same year.<sup>60</sup> The Allahabad School was discontinued from October 1, 1846.<sup>61</sup>

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<sup>56</sup>Report of the General Committee of Public Instruction for 1837, pp. 61-62; Commons, Report, Public, 1832-33, Vol. I, Mackenzie on March 2, 1832, Question No. 706.

<sup>57</sup>Home, Miscellaneous Records, General Department Proceedings, No. 3 of 1843, Vol. 502. Also see General Report on Public Instruction in the Lower Provinces of the Bengal Presidency for 1843-44, Appendix I, pp. xci-xcii.

<sup>58</sup>Home, Miscellaneous Records, General Department Proceedings, No. 3 of 1844, Vol. 502.

<sup>59</sup>Home, Miscellaneous Records, No. 4 of 1848, Vol. 502.

<sup>60</sup>Home, Miscellaneous Records, General Department Proceedings, No. 4 of 1844, Vol. 502.

<sup>61</sup>Home, Miscellaneous Records, General Department Proceedings, No. 2 of 1847, Vol. 502.

## PARTING OF THE WAYS

There was a great disparity in the nature and progress of education in Bengal proper and the North-Western Provinces. This was clearly indicated in the first report on the progress of education submitted by Adam. "...It must never be forgotten," said the report, "how much less encouragement there exists here (N.-W. P.) for the study of English than in the case of the Lower Provinces and in the Presidencies of Madras and Bombay. There are here very few European residents.... There is no Supreme Court where justice is administered in English.... even in the public services, the posts are very few in which a knowledge of English language is necessary for a discharge of their functions...."<sup>62</sup> Giving evidence on March 2, 1832, before the Select Committee of the House of Commons, Mackenzie said: "In Behar and in the Western Provinces most men, whether Musselemen or Hindoos, of any pretence to education, understand Persian.... Persian is known to a great multitude of persons..... throughout the country."<sup>63</sup> Naturally all this speaks of the popularity of the Oriental and Vernacular languages rather than English in this province. Lieutenant-Governor Clerk complained that the upper class people in the province were indifferent to English Schools and Colleges and that these institutions were attended mainly by the

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<sup>62</sup>J. A. Richey: *Selections from Educational Records*, Vol. II, p. 228.

<sup>63</sup>Mackenzie on March 2, 1832, *vide Commons, Select Committee Report, Public*, Vol. I, Question No. 706.

sons of middle class people.<sup>64</sup> He thought, therefore, that the education funds spent were no better than waste. He suggested some improvements and desired that Government Schools should act as models for mofussil Schools.<sup>65</sup>

The provincial Government spent on education a little less than two lakhs of rupees annually. The expenditure, for instance, in 1844-45, amounting to rupees 1,79,944 and annas ten, was derived from the following<sup>66</sup> sources :

No.	Source	Amount
1.	Share in the General Education Fund	Rs. 1,23,991-10-0.
2.	Interest on vested funds	Rs. 20,539-11-0.
3.	Separate Grant to Banaras and Delhi	Rs. 23,413-5-0.
4.	Agra College Zamindari Collections	Rs. 12,000-0-0.
Total		Rs. 1,79,944-10-0.

Soon after taking over, James Thomason appointed in 1844 a Curator of Schools who was asked to

<sup>64</sup>Clerk's Minute dated February 7, 1844, vide Home, Public Proceedings, No. 6 of March 2, 1844; Richey : Selections, etc, Vol. II, p. 233. ff.

<sup>65</sup>Minute of G. R. Clerk dated February 7, 1844, vide Home, Public Proceedings, No. 6 of March 2, 1844.

<sup>66</sup>Home, Public Proceedings, No. 11 of August 11, 1845.

prepare a catalogue of all books used in the province—books in English, Hindi, Urdu, Sanskrit and Arabic. The Curator was to advise the Government with regard to the printing of standard books in various languages. In 1845 circular letters were addressed to all revenue collectors in the districts inviting their attention to the education of the people. The Secretary to the provincial Government wished it to be explained to the people that it was in their interest to acquire as much knowledge as to be able to read and verify the entries in the revenue records.<sup>57</sup> The policy of the Government was one of encouraging the people to make their own arrangements for the education of their children.<sup>58</sup> From the valuable reports submitted by the Collectors it was found that the condition of education was deplorable. It was estimated that "on an average less than five per cent of the youth who are of an age to attend schools obtain any instruction, and that instruction which they do receive is of a very imperfect kind."<sup>59</sup> "Out of a population," wrote Thornton, "which numbered in 1848, 2,32,00,000 souls, and in which were consequently included more than 19,00,000 males of a school-going age, we can trace but 68,200

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<sup>57</sup>Secretary to N.-W. P. Government to all district officers, vide Kaye: Administration of the East India Company, pp. 608-609. Also Richey, op. cit., Vol. II, p. 237.

<sup>58</sup>N.-W. P. Government on April 19, 1848, to Governor-General-in-Council, vide Kaye, pp. 608-609. Also Richey: Selections, Vol. II, p. 237.

<sup>59</sup>N.-W. P. Government to the Government of India on November 18, 1846. Also Temple: James Thomason, p. 173; W. Muir: 'James Thomason' in Calcutta Review, Vol. XXI, pp. 510-511.

as in the receipt of any education whatever...."<sup>70</sup> In Agra, 'one of the most favoured districts', only  $5\frac{1}{2}$  per cent children of school-going-age<sup>71</sup> were receiving education.

#### PROMOTION OF VERNACULAR EDUCATION

Thomason now decided to make education popular by giving to the people what they themselves wanted. The majority of the people were more after Vernacular, than English, education. The Lieutenant-Governor, therefore, prepared a scheme of Vernacular education in 1846. "It is a standing reproach," he wrote, "of the British Government that whilst it continually resumes the endowments of former sovereigns, it abstains from making any...." To remove the stigma he proposed a school for every village having not less than 200 houses provided the people desired to have a school for their children and were prepared to endow it with a jagir of not less than five acres of land for the support of the School Master. They were to submit a written representation to the Collector of their district agreeing to set apart a piece of land for the School Master between 5 and 10 acres which "will give a rental varying from 20 to 40 rupees per annum." The Government proposed to make such land rent-free.<sup>72</sup> The Court of Directors, however,

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<sup>70</sup>R. Thornton : *Memoir on the Statistics of Indigenous Education within the North-Western Provinces of the Bengal Presidency* ; Kaye : *Administration of East India Company*, p. 611n.

<sup>71</sup>*Ibid.*

<sup>72</sup>Thornton to F. Currie, No. 1089, dated November 18, 1846, vide Home, Public Proceedings, No. 11 of Dec. 5, 1846. Also Richey : *Selections*, Vol. II, p. 241 ; Thomason : *Despatches*, Vol. I, pp. 329-333.

rejected the scheme of giving jagirs to village-school teachers and asked the Lieutenant-Governor to prepare a revised scheme.<sup>76</sup>

The revised scheme provided for the establishment at each tahsil headquarters a Tahsildari or middle school which was to serve as a model for the neighbouring private schools. This Tahsildari school, functioning at the cost of the Government, was "to provide a powerful agency for visiting all the indigenous schools, for furnishing the people and the teachers with advice, assistance and encouragement and for rewarding those School Masters who may be found the most deserving."<sup>77</sup> The model school was to be looked after by a Head Master to be paid ten to twenty rupees per month in addition to the usual fees paid by the pupils. Each district under the revised scheme was to have a Zilla Visitor or Inspector on one to two hundred rupees per month, and for every two tahsils there was an Assistant or pargana Visitor called Deputy-Inspector on thirty to forty rupees per month. These Inspectors were to inspect not only the Tahsildari schools but also the local private schools in their jurisdiction. Normally, each district was to have the following staff :

Personnel	Pay per month
One Zilla Visitor	Rs. 150
Three Pargana Visitors	Rs. 30 each
Six School Masters	Rs. 15 each

<sup>76</sup>Despatch of the Court of Directors to the Governor-General dated August 25, 1847.

<sup>77</sup>North-Western Provinces Government to the Govt. of India on April 19, 1848, No. 507, vide Home, Public Proceedings, No. 56 of September 2, 1848.

The average total expenditure per district was expected to be between 4,000 and 4,500 rupees.<sup>75</sup>

The Government proposed to try the scheme on an experimental basis in eight districts of the province under the supervision of a Visitor-General to be employed on a salary of 1,000 rupees per month. The Court of Directors accorded their approval to the scheme in their Despatch dated October 3, 1849, and sanctioned 50,000 rupees for its implementation. The scheme of popular Vernacular education was formally inaugurated on February 9, 1850, by a Resolution of the North-Western Provinces Government.<sup>76</sup> H. S. Reid was appointed the first Visitor-General of Schools. The courses of study included reading, writing and arithmetic, history and geography, geometry, accounts and mensuration. The medium of instruction in all the schools was Hindi and Urdu. Edward Thornton told the Select Committee of the House of Lords on May 31, 1853: "A very interesting experiment is going on with respect to Vernacular education in the North-Western Provinces. It is found", he said, "that education is seized with avidity by the population there (N.-W. P.), while in the Lower Provinces there is great apathy" for Vernacular education.<sup>77</sup> He

<sup>75</sup>Thornton to Bushby on April 18, 1848, vide Thomason : Despatches, Vol. I, pp. 397-405.

<sup>76</sup>Richey : Selections from Educational Records, Vol. II, p. 249 ff; Elliot to Thornton No. 50 of February 28, 1851, vide Home, Public Proceedings, No. 13 of May 7, 1852; Home, Public Proceedings, No. 15 of May 7, 1852; W. Muir : 'James Thomason' in Calcutta Review, Vol. XXI, pp. 511-513.

<sup>77</sup>Thornton on May 31, 1853, in Lords, Report from Committee, 1852-3, Vol. XXXII, Question No. 5976.



believed that "everything has made more progress there (N.-W. Provinces) than anywhere else," during the last few years.<sup>78</sup> The report of the Visitor-General dated August 4, 1853, also clearly indicates that during the period 1850-53 Vernacular education made marked progress in the province, not only in the number of schools, but also in that of students.<sup>79</sup> The number of schools and pupils rose from 2,014 and 17,169 in 1850 to 3,469 and 36,884 respectively in 1852-1853. The quality of instruction also improved. Formerly primary education was mostly a crude, "exercise of memory rather than of the understanding," and was given through the Kaithi script, and printed books were rarely used. The report said that Urdu and Hindi were adopted in these schools as the medium of instruction and the use of the Nagari character was becoming popular, while the Kaithi script was being given up slowly.<sup>80</sup>

#### GRANTS-IN-AID

In July 1854 came the famous Wood's Despatch after the name of Sir Charles Wood, then President of the Board of Control. It was a very ambitious plan of education which "left nothing to be desired" according to Lord Dalhousie. Among others, it recommended the introduction of the grants-in-aid system which

<sup>78</sup>Thornton on May 31, 1853, in Lords, Report from Committee, 1852-53, Vol. XXXII, Question No. 5974.

<sup>79</sup>W. Muir to G. A. C. Plowden on August 4, 1853, vide Home, Public Proceedings, No. 13 of November 4, 1853; W. Muir in 'Calcutta Review', Vol. XXI, p. 514n.

<sup>80</sup>W. Muir to G. A. C. Plowden on August 4, 1853, vide Home, Public Proceedings, No. 13 of November 4, 1853.

was now to be thrown open to all educational institutions imparting sound secular education irrespective of all other considerations. Schools receiving grants were to submit themselves to inspection by the Government. The scheme was introduced in the North-Western Provinces, and many public institutions<sup>61</sup> derived benefit from it.

In 1855 the post of a Director of Public Instruction was for the first time created<sup>62</sup> and H. S. Reid the Visitor-General, was promoted to this office with his headquarters at Meerut. His monthly salary was fixed at two thousand rupees. Under him were the two Inspectors of Schools with their headquarters at Banaras and Delhi (or Meerut). As the province was a very big one, Lieutenant-Governor Colvin recommended the appointment of two Assistant or Deputy Inspectors of Schools,<sup>63</sup> and the proposal was approved by the Governor-General.<sup>64</sup> The jurisdiction of the Inspectors was distributed as follows: one inspector, with headquarters at Banaras, was to control the Banaras and Allahabad Divisions and his deputy, stationed at Jabalpur, was to superintend the Saugor and Nerbada Territories. The second Inspector, with headquarters at Meerut or Delhi, was to control the Delhi, Meerut,

<sup>61</sup>Collection No. 24 in Report for 3rd. Quarter of 1855, vide Home, Miscellaneous Records, No. 6 of 1855, Vol. 502. Also Home, Public Proceedings, No. 31 of July 27, 1855.

<sup>62</sup>Home, Public Proceedings, No. 149 of January 26, 1855.

<sup>63</sup>W. Muir to C. Beadon on March 12, 1855, No. 408A., vide Home, Public Proceedings, No. 54 of March 30, 1855.

<sup>64</sup>Beadon to Muir, No. 409 dated March 30, 1855, vide Home, Public Proceedings, No. 56 of March 30, 1855.

Robilkhand and Kumaon Divisions and his deputy, stationed at Agra, was to look after the Agra Division and a portion of Bundelkhand.<sup>85</sup>

The scheme of Vernacular Tahsildari schools was so successful in the eight districts of Agra, Aligarh, Bareilly, Etawa, Farrukhabad, Mainpuri, Mathura and Shahjahanpur, that the Director of Public Instruction proposed to extend it to eight more districts—Meerut, Delhi, Gurgaon, Rohtak, Badaun, Bulandshahr, Muzaffarnagar and Moradabad. These eight districts had 39 tahsildaris; and the establishment of each district had one District Visitor, three Pargana Visitors and one teacher for each Tahsildari School.<sup>86</sup> The above extension was approved by the Governor-General.<sup>87</sup> The Tahsildari School system was well-suited to the province and it improved education immensely. As Dr. F. Mouat, Secretary to the Council of Education at Calcutta said in his Inspection Report, the Tahsildari School system "is not only the best adapted to leaven the ignorance of the agricultural population of the North-Western Provinces, but is also the plan best suited for the Vernacular education of the mass of the people. . . . . It can be efficiently worked out at a smaller cost than any other scheme; it contains nothing to shock the prejudices or rouse the passions of an ignorant people. .

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<sup>85</sup>W. Muir to Beadon, No. 408A dated March 12, 1855, vide Home, Public Proceedings, No. 54 of March 30, 1855.

<sup>86</sup>W. Muir on May 30, 1855 to Beadon, No. 882A, vide Home, Public Proceedings, No. 52 of July 13, 1855.

<sup>87</sup>Beadon No. 871 on July 13, 1855 to W. Muir, vide Home, Public Proceedings, No. 56 of July 13, 1855.

it merits extension in the North-Western Provinces and gradual introduction into Bengal and Behar."<sup>18</sup>

### ENGLISH EDUCATION SPREADS

English education was, however, not progressing satisfactorily. The Director found that there was no uniformity of syllabus or subjects in the English schools and colleges in the province. Grammar, the basis of the language, was neglected and no care was taken of planning and grading the standards. There was also a difficulty in procuring suitable text-books for the English schools.<sup>19</sup> In 1855 the Director of Public Instruction took steps with the approval of the Lieutenant-Governor to reorganize these schools in accordance with a scheme which laid it down that the studies in English schools should be so arranged as to furnish the student with a thorough knowledge of English grammar, outlines of the World, Greek, Roman, English and Indian history and geography and also an elementary knowledge of arithmetic, algebra, and geometry. The student was to pass through ten classes of the School in order to qualify himself for admission in a College wherein there were six classes. A student could pass the first six classes in the school in six months each and the next four classes in one year each, thus taking seven years to pass out of the school if he was a student of average ability. The Collegiate classes took one year each.

<sup>18</sup>Richey : Selections from Educational Records, Vol. II, pp 262-263.

<sup>19</sup>Report for Third Quarter of 1855, vide Home, Miscellaneous Records, No. 6 of 1855, Vol. 502.

Thus a boy entering a school at seven would pass out of the School at fourteen. Two years' study in the College enabled him to sit at the Entrance examination and four years' further studies entitled him to the B. A. degree.<sup>90</sup>

The Bareilly Government School which had been set up in 1836 was raised in 1850 to the status of a Government College<sup>91</sup> and mentioned as such in H. S. Reid's Report of Public Instruction for the year 1850. A Mission School was set up at Farrukhabad during the famine of 1837-38. In 1839 it was raised to a High School<sup>92</sup> due to the exertions of H. Wilson, a missionary, who also founded the Fatehgarh Mission, the Orphan Asylum and the tent factory. The Bulandshahr English School was founded in 1855<sup>93</sup> and the same year was set up a High School at Shahjahanpur.<sup>94</sup> The Etawa Zilla School was founded in 1856 and it became famous as Hume's High School, after the name of the enthusiastic Collector who got a building erected for it in 1861.<sup>95</sup> A Zilla School was set up at Meerut in 1859.<sup>96</sup>

#### The English and Sanskrit sections of the Banaras

<sup>90</sup>Report for Third Quarter of 1855, Home, Miscellaneous Records, No. 6 of 1855, Vol. 502.

<sup>91</sup>Atkinson : North-Western Provinces Gazetteer, Vol. V, p. 595.

<sup>92</sup>Atkinson : North-Western Provinces Gazetteer, Vol. VII.

<sup>93</sup>Atkinson : North-Western Provinces Gazetteer, Vol. III, p. 52.

<sup>94</sup>Atkinson : North-Western Provinces Gazetteer, Vol. IX.

<sup>95</sup>Atkinson : North-Western Provinces Gazetteer, Vol. IV, pp. 293-294.

<sup>96</sup>Atkinson : North-Western Provinces Gazetteer, Vol. III.

Sanskrit Pathshala College were united in 1844 under Principal J. Muir. Dr. Ballantyne, who assumed charge in 1846, attempted to enforce the study of English, yet avoiding the appearance of compulsion. His method was to continue scholarships indefinitely for a student who either took to advanced studies in Sanskrit or English after he had completed his Sanskrit courses. Thus English was to begin where Sanskrit studies terminated. In his Report for 1850-51 Dr. Ballantyne projected a more ambitious scheme of supplying the learning of the West through books in the Sanskrit language.<sup>97</sup> A new building for the College was completed in 1853 and was inaugurated by Lieutenant-Governor Thomason.<sup>98</sup>

At Agra, St. Peters' Roman Catholic School was set up in 1846. The St. John's College, Agra, was established in 1850<sup>99</sup> by the Protestant Church Mission, and started giving instruction from December 1852.<sup>100</sup> The Agra College was affiliated to the Calcutta University for the B. A. degree in 1860 and the St. John's College in 1862.

All the Colleges were in charge of European Principals who were appointed by the Court of Directors. In the Schools run by the Government, teachers were appointed by the Government concerned on the

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<sup>97</sup>General Report on Public Instruction in the North-Western Provinces for 1850-51, pp. 52-56.

<sup>98</sup>Home, Miscellaneous Records, No. 3 of 1853, Vol. 502.

<sup>99</sup>Atkinson: North-Western Provinces Gazetteer, Vol. VII, p. 504.

<sup>100</sup>Agra University Calendar, 1951-52, p. 483.

recommendation of their Education Departments.<sup>101</sup>

Dr. Frederick John Mouat, Secretary to the Council of Education at Calcutta was the first person to propose the establishment of Universities in India on the model of the London University. The scheme, however, was rejected by the Court of Directors.<sup>102</sup> Next, Hay Cameron submitted a petition on the subject on November 30, 1852, and was heard by the Select Committee of the House of Lords on July 7, 1853. He suggested "that there should be in each of the great capital cities in India a University; that is to say, at Calcutta, at Madras, at Bombay and at Agra; these four cities being the centres of four distinct languages",—Bengali, Tamil, Marathi and Hindi.<sup>103</sup> When the question of establishing Universities was taken up in 1855,<sup>104</sup> Agra was dropped from the list and the cases of Calcutta, Bombay and Madras were pursued, which resulted in the three Universities in those towns being set up in 1857.

#### FEMALE EDUCATION

Alexander Duff used to say that his work in the Mission College for boys "was in reality a movement for female education also, because it would create in time an irresistible demand among men for educated

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<sup>101</sup>Thornton on May 31, 1853, vide Lords, Report, 1852-3, Vol. XXXII, Questions No. 5979 and 5988.

<sup>102</sup>Lords, Second Report from Committee, 1853, Appendix 'O'.

<sup>103</sup>H. Cameron on July 7, 1853, vide Lords, Second Report, 1852-53, Question No. 7316.

<sup>104</sup>Home, Public Proceedings, No. 153 of January 26, 1855.

Agra secured a University for itself only in 1927.

wives."<sup>105</sup> For a long time, however, the attention of the Government and philanthropists was limited to the education of boys only, and few cared for the education of girls. Public attention towards female education was attracted in 1819 when the Calcutta Juvenile Society was formed for the establishment and support of girls' schools in Bengal. The next important event in the history of female education in the country was the arrival of Miss Cooke (later Mrs. Isaac Wilson) in 1822, and the subsequent establishment of the Central Female School in the Cornwallis Square at Calcutta.<sup>106</sup> In the North-Western Provinces, the first female school was set up at Banaras in 1823 by Mrs. Morris.<sup>107</sup> She established two girls' schools and taught both Christian and non-Christian girls and became popular with both of them. By the year 1848 the number of non-Christian girls in the schools had risen to 48 and that of the Christians to 76. Another girls' school was started in 1832 at Meerut with thirteen girls. Christian missionaries opened a large number of other schools in the province, and many of them were girls' schools. They took an active part in popularizing female education. According to a contemporary periodical, the Calcutta Christian Observer, there were in 1851 about 31 girls' schools run by them in which about 737 girls received education.<sup>108</sup> During the famine of 1837-38, the Christian Missions had set up

<sup>105</sup>W. Paton : Alexander Duff, page 124.

<sup>106</sup>Calcutta Christian Observer, November 1841, p. 708.

<sup>107</sup>Long : Hand Book of Bengal Missions, p. 72 ff.

<sup>108</sup>Calcutta Christian Observer, November 1851, pp. 519-



orphanages and girls' asylums in the distressed areas. The Orphanage at Sikandra near Agra was also established at this time under the superintendence of Mrs. Hoernle. About 150 girls were saved and placed in the Orphan Institution.<sup>109</sup> The Government was rather slow in realizing the importance and encouraging the education of girls. The attention of Thomason was not drawn to this side. In 1855 Lieutenant-Governor J. R. Colvin sanctioned the establishment of a Girls' School at Agra and a Muslim lady was placed in charge of it. The attitude of the conservative section of the population was not encouraging, and it was with difficulty that 20 or 25 girls could be collected for this school. After some time, however, people seemed to have realised the value of proper education of their daughters and a number of girls' schools were opened in the province. Opposition slowly died out and as many as 92 schools were opened with a Government grant amounting to 3,528 rupees. By the end of January 1857 in the Agra district alone there were 288 such schools and 4,927 girls received education in them. The cost of maintaining 200 schools according to Mr. Drummond was 1,32,000 rupees a year,<sup>110</sup> showing that girls' education was more costly than that of boys.

#### TECHNICAL AND ENGINEERING EDUCATION

The canals of irrigation and other public works started by the provincial Government very greatly increased the requirement of technical men and

<sup>109</sup>Long: *Hand Book of Bengal Missions*, pp. 55-59.

<sup>110</sup>H. S. Reid to C. B. Thornhill on April 13, 1857, vide *Home, Public Proceedings*, No. 8 of May 29, 1857.

engineers. In order to train some educated young men and thus tide over the shortage of skilled personnel, Thomason sent three good students of the Agra College to receive training under the English engineers of the Ganga Canal who were working at that time at the headworks of the Canal at Haridwar. Lieutenant Baird-Smith, thus, started a class of Indian engineering students in Saharanpur in January 1845. Impetus was given to this infant school, if it can be called as such, by the establishment in 1845 of the grade of sub-Assistant Executive Engineers.<sup>111</sup> Some students of the Delhi College also came in and the number of apprentices rose to twenty. But it was found that this class could not provide the required number of trained men in time. Therefore, the Lieutenant-Governor proposed to establish in the province an engineering College to train Indians and Europeans as Engineers and overseers.<sup>112</sup> The proposal was accorded sanction by Lord Hardinge<sup>113</sup> and a Prospectus of the Engineering College was issued in a Gazette order dated November 25, 1847. Roorkee, in the Saharanpur district, near the Solani aqueduct on the Ganga Canal, afforded special facilities for such a College—there were big workshops, huge structures under construction, a library and experienced engineers. Rupees 12,000 in monthly instalments of 1000 rupees were

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<sup>111</sup>Atkinson : North-Western Provinces Gazetteer, Vol. II, pp. 238-240; W. Muir : 'James Thomason', vide Calcutta Review, Vol. XXI, pp. 502-504.

<sup>112</sup>Thornton to Elliot, No. 594A of September 23, 1847, vide Home, Public Proceedings, No. 13 of May 26, 1849.

<sup>113</sup>Elliot to Thornton, No. 273 of October 5, 1847, vide Home, Public Proceedings, No. 6 of October 30, 1847.

earmarked for a building for the College<sup>114</sup> and Lieutenant W. MacLagan of the Royal Bengal Engineers was appointed the first Principal of the Roorkee College of Civil Engineering,<sup>115</sup> and instruction was started in tents on January 1, 1848. Within six months the College building was ready and the institution shifted to it. Education was given through the medium of the Vernacular. There were 16 seats in the College, and each student was given a monthly stipend of five rupees and free accommodation.

The Roorkee College of Civil Engineering had modest beginnings, but was subsequently enlarged and raised also in quality, till it became a technical College of a high order. The number of seats was increased from 16 to 24. It began to supply assistant engineers, overseers, sub-overseers and draftsmen and tracets for the public works department.<sup>116</sup> Roorkee was the headquarters of the Ganga Canal where the central workshop and foundry were located. Thus it provided a huge amount of practical training also besides theoretical knowledge to successive generations of engineering students.

In 1851 a new class was opened for the commissioned officers of the army. The College also secured its own printing press, a geological museum and a

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<sup>114</sup>Thornton to Elliot, No. 594A dated September 23, 1847, vide Home, Public Proceedings, No. 13 of May 26, 1849.

<sup>115</sup>Home, Public Proceedings, No. 6 of October, 30, 1847.

<sup>116</sup>Richey: Selections from Educational Records, Vol. II, p. 261; W. Muir in Calcutta Review, Vol. XXI pp. 502-504; Report on Roorkee College, printed by the N.-W. Provinces Government in 1851.

good library. A depot for the sale of mathematical instruments was also set up.<sup>117</sup> On the death of the founder of this College, his name was perpetuated by renaming the institution as Thomason College of Civil Engineering.

### MEDICAL EDUCATION

A Medical College was opened in Calcutta in 1835 and the first Indian to join it was Pandit Madhusudan, a Hindu of high caste who broke all the trammels of caste prejudices and dissected the human body in public. This Medical College was based entirely on Western lines and introduced the study of Western medicine and surgery.<sup>118</sup> For a long time prospective medical students all over Northern India, including the North-Western Provinces, had to go to Calcutta for their education. This entailed on them a huge expenditure and great inconvenience and hardship.<sup>119</sup> Therefore in 1854 when the new building of the Thomason Hospital at Agra was ready, Lieutenant-

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<sup>117</sup>Thomason : Despatches, etc., Volume II, Document No. 37; Court of Directors to the Governor-General, No. 23, dated June 2, 1852.

<sup>118</sup>Calcutta Review, Vol. XLII, 1866, article on "Hindu Medicine and Medical Education", pp. 106-125.

<sup>119</sup>Medical Education was unpopular in the province for a number of reasons and the prospective students had to be offered inducements to go to the Calcutta Medical College. Lieutenant-Governor Robertson instituted some scholarships for students from this province joining the Calcutta College. Vide Home, Public Proceedings, No. 40 of August 21, 1847.

When two students of the Agra College joined the Medical College, Calcutta, the Government of this province granted fifty rupees as journey expenses to each of them. Vide Home, Miscellaneous Records, No. 1 of 1850, Vol. 502.

Governor Colvin sought the permission of the Governor-General to allow the Hospital Committee to make arrangements for giving "instruction...for the subordinate class of native doctors all of whom are now compelled to proceed for their education to Calcutta."<sup>120</sup> Nothing, however, resulted from this representation up to the Great Rebellion of 1857-58. The Hospital started a medical class only in 1865.<sup>121</sup>

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<sup>120</sup>W. Muir to C. Allen, No. 880 dated April 15, 1854, vide Home, Public Proceedings, No. 40 of May 19, 1854.

<sup>121</sup>Atkinson : North-Western Provinces Gazetteer, Vol. VII.

## CHAPTER XI

### ECONOMIC LIFE OF THE PEOPLE

The monopoly of Indian trade enjoyed by the East India Company was abolished in 1813; its trade now began gradually to dwindle, while its political activities became more and more prominent. In the place of profits from trade, land revenue and other taxes became henceforward the main objectives of the Court of Directors. The result was that a new class of traders and merchants began to make their appearance and reap the profits of Indian trade and industries. By 1833 the union of trade and government became a paradox and a problem, and as MacCulloch, a contemporary, wrote : "A Company that maintained armies and retailed tea, that carried a sword in one hand and a ledger in the other, was a contradiction, and had she traded with success would have been a prodigy."<sup>1</sup> It is interesting, however, to note that though the Company lost its monopoly of trade, it did not allow Englishmen and other Europeans to settle in the rural areas of the country.<sup>2</sup> The reason given was the

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<sup>1</sup>MacCulloch : Dictionary of Commerce, p. 535.

<sup>2</sup>In 1828 the number of Europeans living in India and not serving the East India Company was as follows :

Bengal Presidency	—	1,595
Madras Presidency	—	116
Bombay Presidency	—	236
The rest	—	19

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Total in India	1,966	Contd.]
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possibility of a friction between the Indians and the Europeans and of a revolt by the European settlers against the Company. Before 1833 none but the indigo planters and missionaries, under special permits, were allowed to settle in the interior. The Charter Act of 1833 removed this dis-ability and European planters, traders and entrepreneurs were allowed to settle down and set up their business. The North-Western Provinces was also affected by this change in the policy of the Government, and a number of Europeans came over to this part of the country and began to take interest in the industrial development and exploitation of raw materials and also of the people of the province.

#### PLANTATIONS

##### *Indigo*

Indigo was the most valued commodity of export to Europe and was abundantly found in this province. Even in the Mughal days indigo was produced in great quantity in the Agra Province and was "familiar in distant markets and was superior in point of purity to that of Gujarat".<sup>3</sup> Indigo plantation and manufacture were very profitable investments and were, in the eighteenth century, manned purely by Europeans.<sup>4</sup> Trade in Indigo was carried on extensively by the East India Company, and many

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Of these two thousand Europeans the majority was of the indigo planters, traders and missionaries. See Knowles : *Economic Development of the British Overseas Empire*, Vol. I, p. 306.

<sup>3</sup>Moreland : *India from Akbar to Aurangzeb*, p. 40.

<sup>4</sup>Huggins : *Sketches of India*, p. 138.

Europeans settled down for the purpose in the Bengal Presidency.<sup>5</sup> The manufacture of and trade in indigo progressed at a very rapid pace, so much so that "by 1850 indigo was one of the most important exports from India"<sup>6</sup> The first indigo planters of the North-Western Provinces settled in the Aligarh district under the French adventurer De Boigne, with their factories at Khair, Mendu, Koil, Jalali and Maloi. Later on, English indigo planters set up their factories at Sasni, Chotwa, Barla and Hathras. As late as 1873, when this trade was declining, there were 171 factories producing 3,625 maunds of indigo per year.<sup>7</sup> In the Meerut district, factories were located in the Bagpat, Ghaziabad and Hapur tahsils.<sup>8</sup> In the Badaun district indigo plantation and manufacture were the only industries up to 1880. Factories were located at Kakrala and Bilsj, and Maxwell and Debnam were the leading manufacturers in the district.<sup>9</sup> Bareilly also had some factories. Churcher and Gilmore were the leading planters and manufacturers of Farrukhabad, the two having between them thirteen factories with their headquarters at Chilauli and Ghauspur.<sup>10</sup> A factory was set up at Tilhar in the Shahjahanpur

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<sup>5</sup>G. Watt : Pamphlet on Indigo, (1890).

<sup>6</sup>Gadgil : Industrial Evolution of India in Recent Times, p. 46.

<sup>7</sup>Atkinson : North-Western Provinces Gazetteer, Vol. II, pp. 472-474.

<sup>8</sup>Atkinson : North-Western Provinces Gazetteer, Vol. III, pp. 309-310.

<sup>9</sup>Atkinson : North-Western Provinces Gazetteer, Vol. V, pp. 82-83.

<sup>10</sup>Atkinson : North-Western Provinces Gazetteer, Vol. VII, p. 118.



district also. The Azamgarh district produced about 1,500 maunds;<sup>11</sup> Banaras also grew a large quantity,<sup>12</sup> while Ghazipur made a considerable contribution in its manufacture.

Indigo was planted in a most ingenuous way. European planters and manufacturers did not cultivate the lands by means of hired labour; they entered into contracts with the cultivators and village people to raise the crops in a certain fixed area of land and then sell the whole produce only to the 'planter' and not to anybody else.<sup>13</sup> They gave advances to the cultivators in the beginning of the sowing season, but once the advance was accepted by the cultivator, either with reluctance or with cheerfulness, he was in the grip of the planter.<sup>14</sup> Coercion was the order of the day in all plantations. It was estimated by Mr. Stirling that the amount of indigo manufactured in the province was somewhere near 20,000 maunds per year. It was sold in the Calcutta market at the rate of rupees 200 per maund. Thus the value of indigo produced in the province was about rupees forty lakhs per year.<sup>15</sup>

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<sup>11</sup>Calcutta and Agra Gazetteer, Vol. II, pp. 360-365.

<sup>12</sup>Thornton : Gazetteer of the Territories under the East India Company, Vol. I, p. 342.

<sup>13</sup>Minute of the Lieutenant-Governor of Bengal on the Report of the Indigo Commissioners (1861).

<sup>14</sup>The Indigo Commissioners reported "It matters little whether the ryot took his original advances with reluctance or cheerfulness, the result in either case was the same; he is never after a free man." Report of the Indigo Commission, Bengal, p. 25.

<sup>15</sup>Atkinson : North-Western Provinces Gazetteer, Vol. II, p. 474.

*Tea*

The Tea industry in the country was started much later. Dr. John Forbes Royle, Superintendent of the Botanical Garden at Saharanpur for nine years, recommended to the Government of India the introduction of tea plantation in the country in 1827, and again in 1834.<sup>16</sup> An experimental tea garden was started in Assam in 1835. In the North-Western Provinces, tea nurseries were started in the Kumaon hills in 1836.<sup>17</sup> On January 21, 1841, the Provincial Government asked Dr. H. Falconer, Superintendent of the Botanical Garden at Saharanpur, to inspect these tea plants in Kumaon. According to the report submitted, tea nurseries were located at two places—at Bharatpur in the hills, 4,500 feet above sea level, and at Lachmansur near Almora, 5,200 feet above sea level. Dr. Falconer reported that the land was "very poor and stony."<sup>18</sup> Besides these two nurseries, tea was planted also at Bhimtal, Nowchortal, Almora and Hamalbagh, and the area covered by these four gardens was nearly fifty-five acres.<sup>19</sup>

Good tea required that the leaves be fresh and good. In order to allow new shoots to spring up and

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<sup>16</sup>Commons, Fourth Report, 1852-3.

<sup>17</sup>Home, Public Proceedings, No. 7 of June 29, 1842.

<sup>18</sup>Falconer's Report dated April 21, 1841, vide, Home, Public Proceedings, No. 5 of June 2, 1841.

As a result of proper care, the soil improved and yielded good crops of tea leaves.

<sup>19</sup>Tea Nurseries in the Hills, vide Home, Public Proceedings, No. 23 of May 4, 1844.

give good fresh leaves, the tea plantation was cut to the level of the earth every six years.<sup>20</sup> Once the tea plants were cut, they improved amazingly and Robertson, the Lieutenant-Governor, wrote in 1843 that Kumaon soil promised to be better suited to tea plantation than that of Assam. That year the tea plantation in Kumaon promised a good harvest.<sup>21</sup>

Tea manufacture was started in India in 1842. In the beginning it was manufactured according to the method of the Chinese tea manufacturers. A number of Chinese experts were employed in the factories for this purpose, as the preparation of good tea required great dexterity and skill.<sup>22</sup> The Government established seven factories for tea manufacture in the province. The tea manufactured in these factories was considered both by English and Indian brokers "well fitted for the market".<sup>23</sup> Dr. Jameson estimated in 1859 that the tea plantations in the province were capable of producing tea in a "quantity surpassing the whole export tea trade of China", and the amount of tea produced was estimated at 10,80,00,000 lb per year. The plantation stretched from the Punjab in the West to Kalinadi in the East. The number of tea plants in these gardens exceeded sixteen millions in 1859, while one acre<sup>24</sup> yielded as much as 300 lbs of tea.

<sup>20</sup>Home, Public Proceedings, No. 7 of June 29, 1842.

<sup>21</sup>Robertson's Minute of January 3, 1843, vide Home, Public Proceedings, No. 5 of March 8, 1843.

<sup>22</sup>Jameson to R. N. C. Hamilton on May 23, 1843, vide Home, Public Proceedings, No. 21 of June 21, 1843.

<sup>23</sup>Jameson to E. C. Bayley, No. 143 dated February 28, 1859, vide Home, Public Proceedings, No. 14 of May 20, 1859.

<sup>24</sup>Ibid.

## INDUSTRIES AND MANUFACTURES

The industrial and business population of the province was concentrated in those towns which belonged to any of the following three categories: (1) places of pilgrimage, (2) seat of the Government or (3) commercial depots. Allahabad, Banaras and Haridwar belonged to the first category, while Agra belonged to the second. Trading or commercial towns like Mirzapur lay on the trade routes intersecting the province. Mirzapur was the emporium for cotton trade with the Central India and the Central Provinces. Its importance was also due to the fact that it was the highest navigable point on the Ganga and hence a centre of trade with Bengal.

*Glass*

A beginning of the glass industry in the province was made in October 1840 at Fatehgarh by one John C. Pyle. After some experiments, he started the manufacture of glass bottles in two varieties—dark green and light green. In the former sand from the Ganga was used and for the latter earth from the other side of the Yamuna was employed. The pots and crucibles were made of "a very refractory clay procured from the other side of the Yamuna."<sup>25</sup> An important centre of glass bangles (*churi*) manufacture was Rampur in the Saharanpur district. There were many small-scale glass factories in this town which specialized in the manufacture of bracelets and bangles and other

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<sup>25</sup>Report of J. C. Pyle on his glass manufacture, vide Home, Public Proceedings, No. 6 of April 7, 1841.

ornaments of glass. The town acquired the name of Rampur Maniharan which sticks to it till today.<sup>26</sup> In the Meerut district glass bangles were made at Bagpat and were popular all over the district. Nagina in the Bijnor district was another place famous for its glassware which was exported as far as Calcutta. Glass was manufactured here from an amalgam of *resh* and saltpetre. It had a greenish blue colour.<sup>27</sup> The Moradabad district also had some crude glass factories.<sup>28</sup> Jastrana, Karhal and Armara Kirata in the Mainpuri district were reputed for glass bangles. Glass was made from an efflorescence usually found on *usar* plains, which was prepared for the purpose by making furrows through the waste land. The furrows were filled with water and the two mixed well into a paste. Then it was allowed to dry. This was placed in an oven fed by continuous fire and the glutinous *kanch* was the result. Kanch was sold at the rate of 45 or 50 seers per rupee and bangles were made of it. The bangles were sold at one hundred per anna. The manufactures of Jastrana and Karhal were exported as far as Calcutta and had earned a good name for themselves.<sup>29</sup>

### *Leather*

The three centres of leather industry were

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<sup>26</sup>Atkinson : North-Western Provinces Gazetteer, Vol. II, p. 237.

<sup>27</sup>Atkinson : North-Western Provinces Gazetteer, Vol. V, p. 335.

<sup>28</sup>Atkinson : North-Western Provinces Gazetteer, Vol. IX, p. 126.

<sup>29</sup>Atkinson : North-Western Provinces Gazetteer, Vol. IV, pp. 618-619.

Kanpur, Agra and Meerut. At Agra, shoe-making was a flourishing small-scale industry. Small manufacturers prepared shoes in their shops, employing a few cobblers only. A large number of cobblers had their own shops and the whole of their family was employed in shoe-making.<sup>30</sup> Besides shoes, Agra was also known for its leather goods of various kinds and types.<sup>31</sup> Hide tanning was the means of livelihood of many *chamars* of the Meerut district. Shahdara and Pilkhaura were the centres of shoe manufacture which had province-wide market. Here, too, manufacture was done on a small scale.<sup>32</sup> Kanpur was another very important centre of leather work in the province.<sup>33</sup> Workers here did superior work, "the best of Indian make," according to Francesca Wilson.<sup>34</sup> However, there were some cheats also. One could be easily duped by the imitation and fabricated leather work of Kanpur.<sup>35</sup>

### *Textiles*

The chief and the best organized industry of the province was the textile industry. Muslin was the famous product of India during the Medieval times.

<sup>30</sup>Atkinson : North-Western Provinces Gazetteer, Vol. VII, pp. 553-554.

<sup>31</sup>Ibid.

<sup>32</sup>Atkinson : North-Western Provinces Gazetteer, Vol. III, p. 308.

<sup>33</sup>Thornton : Gazetteer of the Territories under the East India Company, Vol. I, p. 301.

<sup>34</sup>Francesca Wilson : Rambles in Northern India, pp. 75-76.

<sup>35</sup>Thornton : Gazetteer of the Territories under the East India Company, Vol. I, p. 301.

Chintzes of the North-Western Provinces were known all over the country. After the failure of the American cotton crop in 1846, the eyes of all people in the province were on cotton. Says J. F. Royle: "... we often hear of the country talked of only in the light of a cotton farm. . . ." <sup>36</sup> in European circles.

Cotton cloth for daily use was manufactured in most of the villages, as every village had its own weavers. But it was of an inferior quality. Some towns specialized in the manufacture of fine cotton cloth. Satranji and chintzes of Mirzapur had a very wide market and were known all over the country. <sup>37</sup> Chintzes and dusooti were noted all over the province for their quality. <sup>38</sup> Though cotton was not produced in Azamgarh, textile manufacture flourished there and there lived many cotton cloth weavers who were specialists in their craft. <sup>39</sup> Dusooti of Morsdahad was a famous product and had a good market even outside the province. Agra had a cotton pressing firm of Messrs Beer Reinhold & Company. Silk cloth and brocade were the specialized manufactures of Agra and Banaras. At Agra it was spun into thread at Nai-ki-Mandi and Tajganj, and woven into silk cloth at Nai-ki-Mandi. <sup>40</sup> The fine flowered brocade was a speciality of Banaras.

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<sup>36</sup>J. F. Royle : Culture and Commerce of Cotton in India, p. 20.

<sup>37</sup>Calcutta and Agra Gazetteer, Vol. II, pp. 365-368.

<sup>38</sup>Frederick Wynne : Sketches of India, p. 39.

<sup>39</sup>Thornton : Gazetteer, Vol. I, p. 187 ; Calcutta and Agra Gazetteer, Vol. II, p. 362.

<sup>40</sup>Atkinson : North-Western Provinces Gazetteer, Vol. VII, p. 555 ff.

*Rugs and Blankets*

Woollen rugs (*kambal*) of Meerut, Bijnor and Muzaffarnagar had a good market. Though a little coarse, they were made of pure wool and had long life and were very warm. Miranpur in the Meerut district alone turned out more than a hundred blankets a day. The *Sansla kambal*<sup>41</sup> of this place was very fine in quality. Made of the wool of lambs shorn about three days after their birth, the *Sansla kambals* were sold at as high a price as twenty-five rupees a piece. Elliot in his 'Glossary' has praised them highly. Lawar was another place in Meerut which manufactured woollen blankets. The embroidered carpets of Sherkot in the Bijnor district had a good sale in higher circles as an article of luxury.<sup>42</sup> Carpet-making was specialized in Fatchpur Sikri, Bijnor, Mirzapur and Banaras. Fatchpur Sikri<sup>43</sup> had many carpet makers and Mirzapur was famed for its carpets,<sup>44</sup> while Banaras carpets were exported to European countries also besides satisfying the Indian demand.<sup>45</sup> Banaras was an industrial town of great magnitude and was known for its manufactures all over the country. It was by far the greatest centre of handicrafts of various types and kinds and also a centre where cottage industry was localized.

<sup>41</sup>Atkinson : North-Western Provinces Gazetteer, Vol. III, p. 310.

<sup>42</sup>Atkinson : North-Western Provinces Gazetteer Vol. V, p. 335.

<sup>43</sup>Atkinson : North-Western Provinces Gazetteer, Vol. VII, pp. 554-555.

<sup>44</sup>Wynne : Sketches of India, p. 30; Calcutta and Agra Gazetteer. Vol. II, pp. 365-368.

<sup>45</sup>Calcutta and Agra Gazetteer, Vol. II, p. 369.



### *Metals*

The metal industry was even more important. Some towns in the province specialized in the manufacture of metal vessels and utensils. Banaras was famous all over the country for its brass, copper and bell-metal wares.<sup>46</sup> Figures of various gods and goddesses in brass and other metals were manufactured in large numbers and had a roaring sale. Vessels for carrying the Ganga water were produced in large numbers. In Mathura were prepared metal images of Sri Krishna and other gods in various poses.<sup>47</sup> Brass vessels of daily use were made in large numbers at Dhanaura in the Moradabad district,<sup>48</sup> while brass, copper and iron-wares were made at Mirzapur.<sup>49</sup> Iron-pots and pans were manufactured in Baraut in the Meerut district, and at Bareilly and Agra. Mathematical instruments were made at the Roorkee Engineering College in the Saharanpur district. Side by side with the above industries there flourished some luxury manufactures and crafts allied to them, like enamelling, damascening and *bidri* work which reached a high standard at Banaras. The damascened work was extensively used in ornamenting the armaments, shields, etc.<sup>50</sup>

### *Handicrafts*

Tarkashi or inlaying wood with brass and silver

<sup>46</sup>Gadgil : Industrial Evolution of India, op. cit.

<sup>47</sup>Atkinson : North-Western Provinces Gazetteer, Vol. VIII, p. 215.

<sup>48</sup>Atkinson : North-Western Provinces Gazetteer, Vol. IX, 126.

<sup>49</sup>Calcutta and Agra Gazetteer, Vol. II, pp. 365-368.

<sup>50</sup>Gadgil : op. cit.

wires was a flourishing craft at Mainputi.<sup>51</sup> Bareilly specialized in lacquered black and gilt furniture,<sup>52</sup> and this town still holds the field. Woodwork of Saharanpur also was well-known and had become an art in itself.

Delhi was celebrated for its manufactures in gold and ivory. The Delhi jewellers were "scarcely rivalled in all India for the neatness, elegance and delicacy with which they work on these substances."<sup>53</sup> Workers and craftsmen at Agra also specialized in jewellery and stone carving. There were two stone-works in the town which enjoyed almost a monopoly in fine and artistic stone-work. Marble inlay work was done in this town only, while fretwork and *pietra dura* was also its speciality. The records tell us that "though still practised with indifferent success by a few Musalmans, the craft is chiefly in the hands of the Hindus."<sup>54</sup> In Mathura also stone-carving was done and "carried to great perfection."<sup>55</sup>

Wealthy Indians and Europeans procured their scents and rose-water from Ghazipur. This town was celebrated for its rose-water, rose-scents, *chameli* oil and other perfumery. The best rose gardens in

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<sup>51</sup>Atkinson : North-Western Provinces Gazetteer, Vol. IV, p. 619.

<sup>52</sup>Atkinson : North-Western Provinces Gazetteer, Vol. V, p. 633.

<sup>53</sup>French : Journal of a Tour in Upper India, p. 33.

<sup>54</sup>Atkinson : North-Western Provinces Gazetteer, Vol. VII, p. 554.

<sup>55</sup>Atkinson : North-Western Provinces Gazetteer, Vol. VIII, p. 215.

northern India were to be found in the Ghazipur district. Rose-water was made there in great quantities and despatched to all parts of India. Scents were prepared here on a commercial scale on behalf of the East India Company.<sup>56</sup>

### *Wines and Spirits*

Wine and rum were distilled in some big distilleries in the province. A distillery was started by John Maxwell in Kanpur in 1805, but later it was removed to Kolaghat on the Ramganga in the Shahjahanpur district. It passed on to Peter Barron who moved it to Gunara, 5 miles north of Kolaghat, but due to fire at Gunara it was shifted to Rosa in 1834. In 1838 the concern passed into the hands of Russell Carew and his wines earned a good name. They were in great demand, throughout the North-Western Provinces, and were sent outside also. Carew's rum, brandy and whisky went as far as the Punjab and Bengal.<sup>57</sup> The factory exists till this day. Wine was distilled in the Moradabad district also.

### *Ice*

Ice also was available to the people of the province in the summer season. During the Mughal days it was brought to Delhi and the neighbouring area from Strinagar in Garhwal by relays of runners. This, however, was too expensive, though it was continued

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<sup>56</sup>P. Wynne : *Sketches of India*, pp. 19-21; T. B. Laurence : *Six years in the North-West*, p. 84; *An Officer : Sketches of India for Fireside Travellers*, p. 195.

<sup>57</sup>Atkinson : *North-Western Provinces Gazetteer*, Vol. IX.

at Lahore by Ranjit Singh. A new method of ice-manufacture was adopted by the people at Delhi. Fanny Parks in her 'Diary of Wanderings of a Pilgrim' has given a detailed account of how water was run into shallow pans in the cold season in the open and stored and protected against the hot weather when frozen.<sup>58</sup> It was available in the market from May to the middle of August.

### *Sugar*

Sugar in the province was manufactured from sugar-cane. Crude sugar (*khand*) was manufactured in good quantity in Bareilly, Shahjahanpur, Moradabad, Azamgarh, Ghazipur, Banaras and other towns. It was calculated that one hundred maunds of sugar-cane juice produced 29 maunds of *rab*, 17½ maunds of *gur* and 7 maunds of *khand* in Bareilly.<sup>59</sup> The manufacture of

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<sup>58</sup>Fanny Parks : Diary of Wanderings of a Pilgrim in Search of the Picturesque, Vol. I, pp. 78-82. The process described was somewhat as follows :

Shallow icebeds, six feet square and eighteen inches deep, were prepared in the open, and water pots provided for each of them. The water pots had cloth bottomed pans also. Whenever a cold night was expected, the water pots were filled with water and placed in the ice-beds. During the night ice was formed sometimes to the depth of one and a half inch. This was gathered by the shivering blanket-covered coolies early in the morning and stored in the ice pits. The pits were covered with a low mud house which was thickly thatched, drained by a well and covered by a layer of straw to keep the air out. In this pit the frozen ice was beaten into a solid mass; the highest temperature at which ice could be made was 43 degrees. The pits were opened by stages in the beginning of the summers and in Delhi the supply lasted upto the middle of August.

<sup>59</sup>Atkinson : North-Western Provinces Gazetteer, Vol. V, p. 633.

khand flourished in Moradabad also.<sup>60</sup> Sugar-cane which was a very important crop of Banaras,<sup>61</sup> was manufactured into gur and khand. The soil of Azamgarh was said to be adapted specially for raising sugar-cane.<sup>62</sup> The Rosa factory in Shahjahanpur started refining sugar from 1839, and thus replaced it for the khand.<sup>63</sup> It was estimated in 1833 that sugar-cane grown in the Ganga valley alone served a vast population—thirty million people in Bengal, thirty million in the North-Western Provinces and “some forty million beyond”.<sup>64</sup> Sugar grown and produced in the province had a good market even outside India and went as far as Central Asia where it met the beet sugar of Russia.<sup>65</sup>

The Pilibhit area produced hemp, and manufactured sacks out of it.<sup>66</sup>

### *Matchlocks*

Matchlocks were made at Dhampur and Nagina in the Bijnor district and they were used by the East India Company's armies also. A few matchlocks of

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<sup>60</sup>Atkinson : North-Western Provinces Gazetteer, Vol. IX, pp. 126-127.

<sup>61</sup>Thornton : Gazetteer of the Territories of the East India Company, Vol. I, p. 342; Royle : Productive Resources of India, p. 87.

<sup>62</sup>Calcutta and Agra Gazetteer, Vol. II, pp. 360-365.

<sup>63</sup>Atkinson : North-Western Provinces Gazetteer, Vol. IX.

<sup>64</sup>Trevelyan in The House of Commons, Fourth Report 1852-3, Question No. 1699.

<sup>65</sup>Ibid.

<sup>66</sup>Atkinson : North-Western Provinces Gazetteer, Vol. V, p. 633.

these places were exhibited at the Paris Exhibition in 1867 where they won prizes and were sold out readily.<sup>67</sup>

The only Government gun-carriage factory in northern India was located at Fatehgarh in the Farrukhabad district. It was established in 1818 to supplement the manufacture at the Kashipur factory in Bengal. In 1830 the Bengal factory was abolished and the whole establishment was transferred to Fatehgarh. Fatehgarh then became "the sole depot for supplying the forces of Bengal with gun carriages and other vehicles for garrison, field and siege purposes".<sup>68</sup>

### *Paper*

Paper was made at many places among which Mathura enjoyed a good name. It was estimated that in the city alone there were one hundred manufactories of paper which could turn out in a day 150 *gaddis*, each *gaddi* containing 10 *dastas* of paper.<sup>69</sup> It was manufactured in good quantity in Allahabad also.<sup>70</sup>

### *Minerals*

Among the minerals found in the province mention may be made of the Bhabur iron ores<sup>71</sup> of

<sup>67</sup>Atkinson ; North-Western Provinces Gazetteer, Vol. V, p. 335.

<sup>68</sup>Atkinson : North-Western Provinces Gazetteer, Vol. VII, p. 117.

<sup>69</sup>Atkinson : North-Western Provinces Gazetteer; Vol. VIII, p. 215.

<sup>70</sup>Ibid, Vol. VIII, p. 116.

<sup>71</sup>Home, Public Proceedings, No. 153 of November 23, 1855.

Kumaon, the Graphite<sup>72</sup> mines in Almora, Copper found in the hills towards Kalsi<sup>73</sup> and the Pokhree Copper mines of Garhwal.<sup>74</sup> Gold was found in small quantity in the Arson river in Dehradun.<sup>75</sup> Gaubet Salt<sup>76</sup> was found at Ghazipur.

### TRADE AND COMMERCE

Before the British rule the great marts in the province were Mirzapur the centre of trade with Central India and the Deccan and called 'the Liverpool of the East'<sup>77</sup> due to its busy markets, and Fatehgarh the centre of trade with Awadh and western parts of the North-Western Provinces.<sup>78</sup> The establishment of the British rule and the opening up of new routes and means of transport ruined these marts and reduced them to the status of local emporiums. In their place marts like Kanpur, Agra, Hathras and Bareilly sprung up. All this took place during the period of our study.

The bazars of Delhi were well-replenished with commodities of all kinds. The main bazar was the Chandni Chowk, the fashionable market of the city.<sup>79</sup>

<sup>72</sup>Drummond on August 29, 1849, to Batten, Commissioner of Kumaon, vide Home, Public Proceedings, No. 9-10 of October 6, 1849.

<sup>73</sup>Calcutta and Agra Gazetteer, Vol. II, p. 130.

<sup>74</sup>Report of Lushington dated November 17, 1841, vide Home, Public Proceedings, No. 3 of January 5, 1842.

<sup>75</sup>Calcutta and Agra Gazetteer, Vol. II, p. 130.

<sup>76</sup>Calcutta and Agra Gazetteer, Vol. II, pp. 355-360.

<sup>77</sup>Raikes : Notes on the North-Western Provinces of India, p. 42.

<sup>78</sup>Crooke : North-Western Provinces of India, p. 167.

<sup>79</sup>French : Journal of a Tour, pp. 32-33.

Delhi markets carried brisk trade in the products of Europe as well as of India. Some European manufactures could be obtained here at very cheap rates.<sup>80</sup> As for the Indian products, Delhi specialized in shawls and jewellery.<sup>81</sup> Banaras was by far the richest city in the province and carried on an extensive trade. "The class of merchants is very numerous and comprises many of the richest capitalists of India" was a fitting remark of Thornton.<sup>82</sup> The main articles of sale here were "silk and brocades, commonly called *Kinkhab*, which are superb, but very expensive",<sup>83</sup> Sugar, salpetre, indigo, opium, embroidered cloth and jewellery were the other articles of trade at Banaras.<sup>84</sup> A special feature of the Banaras market was that different goods were sold in separate localities which specialized in those articles.<sup>85</sup> The number of merchants in Banaras was very large and most of them were very wealthy capitalists. Some of the richest people of the country lived there.<sup>86</sup> The prosperity of the people was indicated by the palatial houses, six or seven storeys high, on either side of the roads and streets. The shops presented a very good show and

<sup>80</sup>French : *Journal of a Tour*, pp. 35-36.

<sup>81</sup>Andon : *Narrative of a Journey through India*, p. 83.

<sup>82</sup>Thornton : *Gazetteer of the Territories of the East India Company*, Vol. I, p. 352.

<sup>83</sup>H. E. Fane : *Five Years in India*, Vol. I, p. 47.

<sup>84</sup>Thornton : *Gazetteer of the Territories of the East India Company*, Vol. I, p. 352.

<sup>85</sup>An Officer : *Sketches of India for Fireside Travellers*, p. 198.

<sup>86</sup>Thornton : *Gazetteer of the Territories of the East India Company*, Vol. I, p. 352.



impressed many an European traveller.<sup>87</sup> Agra was a mart for cotton of which a large quantity passed through this town to Calcutta. Salt was even more important an article of commerce that passed through Agra. It went from Sambhar Lake in Rajputana through Agra to the Doab, as it could not be manufactured in the North-Western Provinces.<sup>88</sup> Agra was a market for sugar, drugs and metals also. The Kanpur markets were full of European, Chinese and Indian commodities of all kinds. The Cantonment at this place and that at Meerut absorbed large quantities of European products.<sup>89</sup> Bareilly had many shops trading in borax and drugs,<sup>90</sup> while Banda was a mart for cotton from Central India.<sup>91</sup>

In the absence of good roads and means of transport trade in the beginning of the Company's rule in this province was usually restricted to local areas.<sup>92</sup> The result of excessive cost of transport was that heavy goods could not move from place to place. Trade and commerce developed in proportion to the improvement in the means of transport.

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<sup>87</sup>An Officer : Sketches of India for Fireside Travellers, p. 198.

<sup>88</sup>Thornton : Gazetteer of the Territories of East India Company, Vol. I, p. 38. Commons, Fourth Report, 1852-3, Vol. XXVIII, Bird's reply to Question No. 5673.

<sup>89</sup>Atkinson : North-Western Provinces Gazetteer, Vol. III.

<sup>90</sup>Thornton : Gazetteer of the Territories of East India Company, Vol. I, p. 261.

<sup>91</sup>Thornton : Ibid, p. 238.

<sup>92</sup>J. F. Watson : Plan for an Industrial Survey of India, p. 5.

## POPULATION AND TOWNS

The population of the North-Western Provinces<sup>90</sup> was estimated in 1853 at 2,31,99,668 souls of which 1,94,52,646 were Hindus and 37,47,022 were non-Hindus including Muslims. Of the whole population of the province 1,47,24,233 were agriculturists and 84,75,435 earned their livelihood through non-agricultural activities. The most populous city in the province was Banaras which in 1836, had a population of 6,50,000.<sup>91</sup> According to Prinsep "Religion is the staple article of commerce through which the holy city (Banaras) flourishes and is enriched."<sup>92</sup> There were in 1,829 about 333 mosques and 1000 temples in the city. The second most populous city was Delhi, the population of which was not precisely known "but is computed at upwards of 2,00,000".<sup>93</sup> Its roads were wide and very clean.<sup>94</sup> Mathura also was a large city. An interesting fact noted about it by Landon was: "It abounds with Brahmans, bulls, peacocks and monkeys. . . . ."<sup>95</sup> Agra was a large city with a population of about 60,000, but was not as prosperous or growing as Banaras and Delhi. The Cantonment of Agra was large and open, well planned and orderly.<sup>96</sup> Meerut was a large, clean, well-

<sup>90</sup>Lords, Report from Committee, 1852-53, Vol. XXXIII, Appendix C, pp. 147-148.

<sup>91</sup>Fane : Five Years in India, Vol. I, p. 46.

<sup>92</sup>Prinsep : Asiatic Researches, Vol. XVII, p. 13.

<sup>93</sup>Landon : Narrative of a Journey Through India, p. 83.

<sup>94</sup>Ibid, p. 82.

<sup>95</sup>Ibid, p. 79.

<sup>96</sup>Ibid, pp. 75-76.

arranged and healthy city with a spacious Cantonment.<sup>100</sup> Ghazipur was considered to be "one of the most salubrious city"<sup>101</sup> of the North-Western Provinces.

### *Banking*

Six banks carried on banking operations in the North-Western Provinces. They were:<sup>102</sup>

Bank	Headquarters
Agra and United Service Bank	Agra
North-Western Bank	Meerut
Delhi Bank	Delhi
Simla Bank	Simla
Kanpur Bank	Kanpur
Banaras Bank	Banaras

All of them were established between July 1843 and August 1845. The capital at the commencement of these banks was Rs. 37,00,000; the paid up capital on July 1, 1846, at Rs. 1,23,813; authorized capital on July 1, 1847, at Rs. 1,65,50,000, while the average deposit in these banks was Rs. 55,92,860.<sup>103</sup>

Besides these banks there were a large number of local money-lenders, bankers and shroffs. Mathura

<sup>100</sup>Landon : Narrative of a Journey Through India, p. 86.

<sup>101</sup>Laurence : Six Years in the North-West, p. 89.

<sup>102</sup>Thornton to Bushby on September 29, 1847, vide Home, Public Proceedings, No. 5 of June 3, 1848.

<sup>103</sup>Report for Third Quarter 1846, vide Home, Miscellaneous Records, No. 2 of 1847, Volume 502.

had a very famous and rich banker, Lakshmi Chand Seth, whom the *Times* of London designated as 'the Rothschild of India' in reference to the great opium case.<sup>104</sup> He was the richest banker in India and had about Rs. 20,00,000 in the Company's papers at Calcutta. He was a jeweller also. The rate of interest charged from different borrowers depended upon their social status and economic position. Rich people could get money at six per cent interest, while the poor had to pay as high an interest as 25 per cent.<sup>105</sup> Money changing was done by shroffs<sup>106</sup> also, who were known as sellers of old coins.

### RURAL LIFE

The North-Western Provinces was an agricultural area and much of the economic life of the people depended upon their land and its cultivation. The Indian village was almost entirely a self-sufficient unit and had very little contacts with the outside world. Most of the needs of the people of the village were satisfied locally; it grew its own food, made its own implements, wove its own cloth for daily requirements, moulded its own domestic utensils and depended on the outside world only for a little of salt and spices and some jewellery and fine cloth for festive occasions.<sup>107</sup> The majority of the artisans were servants

<sup>104</sup>Landon : Narrative of a Journey Through India, pp. 80-81.

<sup>105</sup>Emily Eden : Up the Country, p. 351.

<sup>106</sup>Fane : Five Years in India, Vol. I, p. 67.

<sup>107</sup>Ibbetson : Report on the Census of the Punjab (1881), p. 18.

of the village who had either their own plots of land which they held sometimes rent-free and sometimes at a reduced rent, or received a fixed portion of the produce of the soil from every cultivator of the village. In exchange, they rendered their services to the village people free of charge throughout the year. Besides these artisans, there were a few whose services were not required regularly and hence they were not village servants. Weavers, goldsmiths and betel-sellers belonged to this class and served the people on payment. All occupations were hereditary. Competition had no place in such an economic set-up, and, therefore, there was no incentive to progress or change and improvement.<sup>108</sup>

### CONCLUSION

The actual necessities of life were cheap and the cost of living was low. Fanny Parks tells us of a dinner party in which eight guests were entertained by 23 servants. At one time she tells us of her having 54 servants, while at another place she informs us that 57 servants cost 290 rupees per month.<sup>109</sup> Coolies and bahngi carriers charged seventeen rupees per head for carrying a doli from Agra to Bombay, and had to come back without a return cargo.<sup>110</sup> Laurence, who was in this part of the country during 1854-1860, gives the rates of some articles of daily use: "A pound of

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<sup>108</sup>An Enquiry into the Economic Condition of the Agricultural and Labouring Classes in the North-Western Provinces and Oudh (1888), pp. 24-25.

<sup>109</sup>Fanny Parks, vide Crooke : *Things Indian*, p. 415.

<sup>110</sup>Minturn : *From New York to Delhi*, op. cit.

good mutton costs only one anna, a pound of table rice half an anna, two hen's eggs one quarter anna, a seer of pure fresh milk one anna, a pound of butter four annas, a pound of fish one anna, a seer of potatoes half anna.<sup>111</sup> The cultivator could purchase both the plough and the oxen for ten rupees.<sup>112</sup> Even during the famine of 1837-38, prices do not seem to have been prohibitive. At Agra, a woman's clothes of ordinary material cost eleven annas plus tailoring, and the complete dress of a man cost seven annas.<sup>113</sup>

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<sup>111</sup>Laurence : *Six Years in the North-West*, pp. 97-98.

<sup>112</sup>F. Wynne : *Sketches of India*, p. 93.

<sup>113</sup>Report of the Agra Relief Society, p. 13.

## EPilogue

When peace was restored in the country after the suppression of the Great Rebellion in 1858, the Government of India was taken over by Queen Victoria from the East India Company by Act 21 & 22 Vict. c. 106 of Parliament. The Company's rule was formally wound up when Lord Canning (now Viceroy) visited Agra in 1860 and held a grand darbar in the provincial capital, which was attended by the chiefs of Rajputana and Central India. Tours of this province by successive Viceroys and darbars at Agra became a normal feature; Lord Elgin visited the province and held a darbar at Agra in 1863, Sir John Lawrence in 1866, Lord Lansdowne in 1890 and Elgin II in 1895. Agra was visited by the Duke of Edinburgh, second son of Victoria, in 1870, while in January 1876, when Sir John Strachey was the Lieutenant-Governor, the Prince of Wales, later Edward VII, visited the town.

The Government changed its attitude towards the Bengal Army after the Rebellion. Not-with-standing its name, the Bengal Army was upto 1857 recruited mainly from the Brahman and the Rajput population of the North-Western Provinces and Awadh. On the restoration of the peace, a new military set-up was established. The Gurkhas from Nepal and the Sikhs from the Punjab replaced the Brahmans and the Rajputs of the North-Western Provinces and Awadh. Moreover, a great change was introduced in the proportion

of British and Indian soldiers. To this reorganized army was entrusted the defence of Bengal, Awadh, Agra and the Punjab upto 1905, when the old commands were given up and divisional commands instituted.

In accordance with Regulation IX of 1833, the provincial Government had tried to establish contacts with the village communities and ignore the landlords. The same procedure was adopted in Awadh when that State was taken over from its last ruler, Wajid Ali Shah, in 1856. Claims of most of the landlords were ignored and peasant-proprietorship established. This was mainly responsible for the Rebellion in Awadh which almost assumed the form of a national rising there. The Government ultimately realized its mistake and decided to find a *via-media*. The Government of India wrote to the Secretary of State in November 1859: "The maintenance of a landed aristocracy in India, where it exists, is an object of such importance that we may well afford to sacrifice to it something of a system which, while it has increased the independence and protected the rights of the cultivators of the soil, has led to the exhaustion or decay of the old nobility." This explains the two different land systems in the two parts of the North-Western Provinces in the second half of the nineteenth century.

When the Sadr Courts at Agra were abolished, a High Court for the North-Western Provinces was established at the capital, with both civil and criminal jurisdiction, as a result of Act 24 & 25 Vict. c. 104



passed by Parliament. The High Court consisted of a Chief Justice and five puisne Judges. The Judges of the High Court were appointed by the Crown, while the Lieutenant-Governor had the authority of appointing District Judges.

The capital of the province was shifted from Agra to Allahabad in 1868, and offices were transferred to the new capital by the end of that year. The High Court, however, could shift to Allahabad in May 1869.

In 1875 a separate department of Land Records and Agriculture was created in the North-Western Provinces when Sir John Strachey was the Lieutenant-Governor. The new department aimed at constant and regular correction of the village records, and an efficient land revenue administration.

Awadh had been partially amalgamated with the North-Western Provinces in 1856, and "differences in the revenue and judicial systems of the two provinces" were allowed to exist. They were finally united into one province in 1877 when the two offices of the Lieutenant-Governor of the North-Western Provinces and the Chief Commissioner of Awadh were placed under one person, called Lieutenant-Governor of the reorganized North-Western Provinces. Awadh, thus, lost its separate identity in 1877.

The Province had no separate Legislative Council upto 1887; all laws for the Province had to be passed by the Viceroy-in-Council. In 1888 the Province was given a Legislative Council to help the Lieutenant-Governor in his legislative work.

In 1901 Lord Curzon created on the western frontiers of our country a new province named North-Western Frontier Province, with a view to defending the country from all possible external dangers as also to solve the tribal question. In order to avoid confusion from the similarity of names between the new province and the earlier North-Western Provinces, our Province was renamed as the United Provinces of Agra and Awadh. At the time of its re-Christening the area and population of the province were as follows:—

Territory	Area in sq. miles	Population
British India	10,97,901	23,20,72,832
United Provinces of Agra and Awadh	1,07,164	4,76,91,782
Agra	83,198	3,48,58,705
Awadh	23,966	1,28,33,077

Of 4,76,92,000 people in the United Provinces, approximately 2,46,17,000 were males and 2,30,75,000 were females. On the basis of community, 4,06,92,000 were Hindus and about 70,00,000 Muhammadans. Rightly did a contemporary writer say: "No other Indian province, with the exception of Bengal, is so thickly peopled."

The United Provinces had many big cities. Of the two component parts, the Agra Province contributed Banaras (population 2,09,000), Kanpur (1,97,000),

Agra (1,88,000), Allahabad (1,72,000) and Meerut (1,18,000); Awadh had two big cities—Lucknow (2,64,000) and Faizabad (75,000). Many ups and downs came in the fortunes of these cities during the past fifty-five years.

The United Provinces had 48 districts, each with an average area of 1,500 to 2,000 square miles. These forty-eight districts were grouped into nine Divisions, each under a Commissioner.

From 1921 Lucknow became the *de facto* capital of the United Provinces when the Council was shifted to that town from Allahabad. Allahabad had of late become the centre of the activities of the Indian National Congress, being the home of the Nehru family. The Government thought it more diplomatic to change its own capital in order to avoid the embarrassment caused by the public criticism of its policies. The Government offices shifted one by one to the new capital, but no declaration was made to this effect.

The above set-up continued upto 1947 when the country became independent after the British had quitted the country. In 1950 the Congress Government gave the province a new name, the Uttar Pradesh. Agra city, however, never regained the importance it enjoyed in the past—proving the truth of one of its Lieutenant-Governors' remark: "There is temptation at Agra to live more in the past than in the present." For some time Agra was reduced to the status of a district headquarters, but quite recently it has again been made the Commissioner's headquarters.

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